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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 9th October 1962 :—

Issue No.	No. and Date	Issued by	Subject
314	S.O. 3077, dated 5th October, 1962.	Ministry of Commerce & Industry.	Authorising Shri J. P. Goel, Officer on Special Duty, to take over the management of the whole of the said Sugauli Sugar Works (Private) Ltd., Sugauli, subject to the following terms and conditions given therein.
315	S.O. 3078, dated 9th October, 1962.	Ministry of Food & Agriculture.	Rescinding the Order of the Govt. of India in the Ministry of Food & Agriculture No. S.R.O. 3447, dated the 20th November, 1954, as subsequently amended.
316	S.O. 3079, dated 9th October, 1962.	Ministry of Information & Broadcasting.	Approval of films specified therein.

Copies of the Gazette Extraordinary mentioned above, will be supplied on indent to the **Manager of Publications**, CIVIL LINES, Delhi. Indents should be submitted so as to reach the **Manager** within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 14th September 1962

S.O. 3128.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons

(3261)

shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge the accounts of election expenses with the time and in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Walawalkar Arjun Balwant Baroj Cross Lane Municipal House No. 13, Topiwala Building, Bombay-2.	12-Rajapur.

[No. MT-HP/12/62(18).]

S.O. 3129.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962, has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Mohamed Cassim Rowther, 50, South Street, Kodikkalpalayam, (Post) Tiruvarur, (Thanjavur District).	33-Nagapattinam.

[No. MD-HP/33/62(14)/67059.]

S.O. 3130.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962, has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri A. K. Bheeman, S/o Shri Ajja Gowder, Battakorai, Kotagiri (Post), Nilgiris.	20-Nilgiri.

[No. MD-HP/20/62(13)/67040.]

S.O. 3131.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Ponnuchamy, Board School Street, Cambum, Madurai District, Madras.	23-Periakulam

[No. MD-HP/23/62(11)/67001.]

New Delhi, the 15th September 1962

S.O. 3132.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Seerangan, Poyyeripalayam, Thaligai post, Namakkal Salem District.	17-Namakkal

[No. MD-HP/17/62(15)/67005.]

S.O. 3133.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been contesting candidate for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge the accounts of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
Shri Irusappa Bakthar, 127, Thukkampalayam Street, Kumbakonam.	Kumbakonam

[No. MD-HP/31/62(12)/67009.]

New Delhi, the 24th September 1962

S.O. 3134.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge the accounts of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
Shri Kuldip Singh, Pleader, Janta Sector No. 1, P.O. Bilashpur State, (Himachal Pradesh)	Mandi.
Shri Tej Singh, Mohalla Upper-Samkhetar, Mandi Town.	Mandi.

[No. HP-HP/2/62(1)/66974.]

New Delhi, the 29th September 1962

S.O. 3135.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Anant Singh, Flat No. 42, Khan Market, New Delhi.	New Delhi
Shri Uttam Singh Arora, R/802, New Rajinder Nagar, New Delhi.	New Delhi
Shri Tirath Dass, 2390, Khirki Farrash Khana, Delhi.	New Delhi
Shri Balwant Rai Mehta, E-II/35, Lajpat Nagar, New Delhi.	New Delhi
Shri Ram Chander, Village and Post Office Naraina, W.Z. No. 287 to 297 (Delhi).	New Delhi

[No. DL-HP/1/62(4)/66973.]

CORRIGENDUM

New Delhi, the 18th September 1962

S.O. 3136.—In column 1 of the Schedule appended to the Election Commission's notification No. MT-HP/19/62(12) dated the 19th July, 1962 for the words "Shri Sarvagod Sopan Bhondi" read "Shri Sarvagod Sopan Dhondi".

[No. MT-HP/19/62(12).]

By Order,

V. RAGHAVAN, Under Secy.

New Delhi, the 5th October, 1962.

S.O. 3137.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoints, in addition to the Officers appointed by its notification No. 434/13/61, dated the 23rd December, 1961, as subsequently amended, the following Officers also to be the Assistant Returning Officers for the Amroha Parliamentary Constituency in the State of Uttar Pradesh:—

"Sub-divisional Officer, Moradabad.

Sub-divisional Officer, Thakurdwara.

Shri G. S. Harit, Extra Magistrate."

[No. 434/UP/62.]

By Order,

C. B. LAL, Under Secy.

New Delhi, the 11th October 1962

S.O. 3138.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order pronounced on the 27th September, 1962, by the Election Tribunal, Chhatarpur.

IN THE COURT OF SHRI R. D. DOONGAJI, B.A., B.Sc., LL.B. MEMBER
TRIBUNAL (UNDER SECTION 86 OF THE REPRESENTATION OF THE
PEOPLE ACT OF 1951)

FOR

ELECTION PETITION No. 318 of 62

Rilli Chamar, s/o Sunne Chamar, Aged 35 years, r/o ward No. 6, Naraiya
Mihal, Tikamgarh, M. P.—Petitioner.

Versus

Kure, Mate, s/o Adku, r/o Chamrola District Tikamgarh, M.P.—Respondent.

JUDGMENT

Delivered this 27th Day of September 1962

This is an Election Petition under section 81 of the Representation of the People Act, 1951 for declaring the election of the respondent from Tikamgarh Reserved Scheduled Caste Parliamentary Constituency No. 5 void.

2. Admittedly this election was held on 22nd February 1962 in this Constituency. The petitioner who is a Chamar by caste was one of the candidates. Nomination papers were also filed by Balramdas and Ghaynshyam Das as also others. Out of them Balramdas was the recognised candidate of the Congress party. On 22nd January 1962 one Kammoda Chamar filed an objection before the Returning Officer alleging that Balramdas was Jatav by caste and not a Chamar. The Returning Officer held that Jatav was a sub-caste and as such Balramdas was not a member of the Scheduled Caste, since this sub-caste was not included as a scheduled caste under the Constitution (Scheduled Caste) Order, 1950. The nomination paper of Balramdas was therefore rejected. The petitioner, the respondent & Kammoda then contested the election. The respondent obtained 97647 votes, Kammoda obtained 66339 votes and the petitioner got only 57555 votes. Consequently the respondent was declared elected.

3. The petitioner in his petition now contends that the election of the respondent is void because Balramdas nomination paper was wrongly rejected and the Returning Officer was not competent to hold an enquiry about actual caste of Balramdas when his declaration was to the effect that he was a Chamar. Moreover the nomination paper of Ghaynshyamdas was also improperly rejected. He has further urged that the respondent was disqualified for membership of Parliament as there subsisted a contract between him and the Irrigation Department of the M. P. Govt. As his nomination was improperly accepted the result of the Election was materially effected.

4. The petitioner further seeks to have the said election declared void as the ground of corrupt practices indulged in by the petitioner, his agents, and supporters as follows:—

- (i) That Laxminarain Nayak candidate for Legislative Assembly of the Praja Socialist Party from Lidhora Assembly Constituency with others as the Agents and supporters of the respondent got a pamphlet published to the effect that Ahirwar Chamars should vote for respondent on communal basis. These pamphlets were distributed from 22nd January, 1962 to 24th February, 1962, in several villages. The respondent, his agents and supporters requested the villagers to vote or refrain from voting on communal grounds.
- (ii) That they induced the voters to vote for the respondent on a promise of providing service and land for them.
- (iii) That they procured persons who were not electors to vote for the respondent. About this only one instance is given. Raghuraja the wife of Karansingh was dead, but in her place Chhipriwall his second wife was allowed to vote at the Lidhora Polling station.
- (iv) That at Chandera Polling station some voters were first not allowed to vote, and after they went away other voters were allowed to vote.
- (v) That wide spread undue influence was practiced by the respondent and about this 3 incidents are given when members of the Praja Socialist Party beat Congress men and did not allow them to hold meetings etc. The first instance is said to have taken place at Lidhora on 7th February 1962, the second at Chandera on 11th February, 1962 and the third at Digora on 22nd February 1962.

(vi) That they procured the services of Govt. servants to canvass on the respondent's behalf. About this 4 instances are given of Parbat Ahirwar Sub-Inspector of Mohangarh, Pannalal Patwari of Paitpura, Dandi @ Kamtus Chowkidar of Nandanwara and Munnalal Naik Polling Officer of Bamhori who it is said canvassed inside the polling booth.

5. The respondent urged that Balramdas being a Jatav and not a Chamar was not entitled to contest the election at all and his nomination paper was therefore rightly rejected by the Returning Officer. Moreover Ghanshyamdas being a Kori was not eligible to contest the election, and his nomination paper was also therefore rightly rejected. It was denied that there was a subsisting contract between the Public Works Department and the respondent at the time of nomination and therefore the respondent was disqualified from contesting the election. The alleged corrupt practices were all denied, and the respondent claimed protection under section 100 clause 2 of the Representation of the People Act on the ground that he had taken all reasonable precautions for the prevention of any corrupt practice. He also denied that the result of the election was materially affected thereby.

6. On these pleadings I raised the following issues and my findings are recorded opposite:—

Issues**Findings**

1. Whether the election of the respondent is void because:—
 - (a) Because the nomination paper of Sri Balramdas was improperly rejected by the Returning Officer? No it was rightly Rejected.
 - (b) Whether the Returning Officer was not competent to hold an enquiry about the actual caste of Shri Balramdas? Was Competent.
 - (c) Because the nomination paper of Sri Ghanshyam Das was also wrongly rejected? Rightly Rejected.
2. Whether the respondent was disqualified for membership of Parliament:—
 - (a) As there subsisted a contract with the P.W.D. Irrigation Deptt, M. P. Government? Of no consequence.
 - (b) Whether as such his nomination paper was improperly accepted? No.
3. Whether the respondent indulged in the following corrupt practices:—
 - (a) He induced the electors himself and through his agents and supporters to vote on communal basis? No.
 - (b) He, his agents, and supporters induced the electors to vote for him on the promise of providing services and lands for them? No.
 - (c) Because he, his agents, and supporters procured persons who were not electors to vote for him and they cast their votes as such? No.
 - (d) Whether at Chandera and Lidhora some voters were not allowed to vote, and had to go away, after which some others were allowed to vote? No.
 - (e) Because he practised undue influence on voters of Tikamgarh, Jatara and Lidhora Constituency and procured votes as a result thereof? No.
 - (f) Because he, his agents and supporters procured the assistance of Govt. servants for the furtherance of the prospects of the Election? No.
4. Whether the above mentioned corrupt practices have materially affected the result of the election? No.

5. Whether the respondent took reasonable precautions for the prevention of any corrupt practice and is hence protected under sec. 100(2) of the Representation of the People Act?
6. Should the election of the Respondent be declared void?
7. Relief and Costs?

Not proved.

No.

Petition dismissed with costs.

REASONS FOR THE FINDINGS

7. *Issue No. 1(a).*—This is the most important issue in the case, and very vehement and very plausible arguments were advanced by learned counsel of both parties in support of their contentions. It seems—necessary to first consider the oral and documentary evidence on record as in my opinion this helps only to show that no doubt Jatavas are Chamars in the sense that they are also Charmakars following the same trade, of shoe-making, collecting skins etc., but Chamars and Jatava are two distinct groups of the same caste.

8. It is for this reason that A.W. 10 Balramdas whose nomination has been rejected emphatically denies that he is a Jatav and styles himself only 'Chamar.' It is true that he is called 'Chamar' in the Revenue and Municipal records. It is also apparent that he has obtained a certificate Ex. A. 9 dated 20th June, 1956, describing him as a Chamar which is recognised as a scheduled caste (Scheduled Caste Part C States) Order 1951, but the fact admitted is that he hails from Bhind States where his ancestors were known as Jatavas. Infact in his statement Ex.N.A.1, his learned counsel clearly stated before the Returning Officer that Balramdas was a Jatav. His contention there was that Jatav is a sub-caste within the Chamar caste, and Jatav is therefore not a separate caste.

9. A.W.10 Balramdas tried to escape this—admission made in his presence by stating that the word 'not' (not a Jatav) was accidentally omitted, but A.W.32: Shri Pathak Returning Officer clearly explained that this was not the case. Infact the context shows that the word 'not' could not have been used, but because Balramdas is a B.A., LL.B. and allowed such a statement to be made he has now tried to resile from it. I am clear that Jatavas and Chamars are separate groups within the genus Charmakars.

10. The next witness examined is A.W. 43 Brindawan. He and A.W.44 Pannalal, A.W. 45 Juju, A.W.51 Parsadi and A.W. 52 Rilli have all shown that Jatava and Ahirwars can inter-marry, mess and dine together, and have all other social relations. They have given specific—instances of this as well, but this again only—establishes the central fact that Jatavas are different from Ahirwars, and others like Gular, Nona-Chamari, Mochi etc. described by A.W.43 Brindawan. Hence the fact that prior to 1st May, 1960, when the order (Scheduled-Caste Order of 1951) was amended even Jatavs could become members of the Legislative Assembly in the whole of Vindhya Pradesh is not a matter of any consequence. Hence the mere fact that N.A.W.24 Hajju, N.A.W.25 Nathuram, N.A.W.26 Kure Mate and N.A.W.28 Dhamma are unable to deny the relationship between Ahirwars and Jatavs will not lead to the conclusion that Jatavas should be treated on the same footing as Ahirwars.

11. Coming now to the legal aspect, the fact of the matter is that the old Order is force in V.P. has yielded place to a new one, and now the word 'Chamar' is substituted by the words 'Chamar, Ahirwar, Chamar Mangan, Mochi or Raidas'. It could not be that this amendment has made no difference at all, and that is why in my opinion the authority reported in 3-E.L.R. 465 (*Balchand Vs. Laxminarain Maten*) holding that Jatav is a scheduled caste included in the caste 'Chamar' cannot be of assistance to the Petitioner. Rather I would refer to the following passage which occurs in the same authority at page 474 showing that the position would have been different had other sub-castes been mentioned:—

"In our opinion, where the caste *alone* is mentioned, the parts of, or groups within that caste shall be deemed to be included in it."

12. It cannot be therefore that the President's order ignored this pronouncement and it must follow that the further additions made only meant that Jatavs were to be excluded for otherwise this name would have found place along with Ahirwars and the others. Reference was made in this connection to 3-E.L.R. 409 (*Bakaram Vs. Shankar Rao*) but that case is not in point because there it was held that 'Kankana-caste' is the same as 'Kankana Tribes' and infact the petitioner was held to be a member of such a tribe.

13. Reliance was also placed by the petitioner's learned counsel on the publication 'List of Scheduled Castes for Government of India Scholarships' page 8 in which for this very territory Chamar is said to be synonymous with Jatav. However this was a publication made in 1959, and secondly it is not known whether in the list of the New Order (as amended on 1st May, 1960) this would remain the same, for the petitioner's own evidence shown that there are very few houses of Jatavs in this part of the State and this appears to be the reason why the new Order has excluded them.

14. For under Article 341 of the Constitution of India as also under the preamble of the Constitution (Scheduled Caste) Order 1950 it is clearly stated that castes, races, or tribes, or parts of, or groups within, caste or tribes can be allowed this special privilege. As observed in *A.I.A. 1952 Punjab 143 (S. Gurmukh Singh Vs. Union of India)* para 7 these provisions are meant to assist backward, people. There perhaps it was thought that Hindu Bawarias were backward, where as Sikh Bawarias were not similarly in this part of the State it might have been considered that Jatavs are not backward at all for the candidate A.W. 10 Balramdas whose nomination has been rejected is himself a doublegraduate.

15. I do not therefore think that the word 'Chamar' in the amended Order is used in its generic sense to include all 'Charmakars' because had this been the case then the words that follow would become meaningless, and it cannot be that they are mere superfluages. In my opinion Chamars and Jatava are two separate and distinct sub-castes of the genus Charmakars, and it is in this manner that the words are used. To this extent I differ from the arguments of the learned counsel for the respondent for if the word 'Chamar' was used to include the whole caste (genus) then unless the words 'including only Ahirwars etc.' are read in the provision obviously all Charmakars would be included, but this is clearly not the case for then no amendment of the old Order would be necessary.

16. I have been referred to Maxwell And Craies for the law regarding interpretation of statutes and to Law Laxicon for the definition of the word caste. In my opinion the principle emphasised is that an amendment cannot be meaningless, and when different language is used it must be presumed that different things were meant. The other aspects are really of no assistance here though they have received by anxious consideration (Maxwell page 235 referring to obvious mistakes, 314 Error of Fact or Law 321 Ambiguous Expression, 255 Example, Craies 3(a), page 25 Defective.

17. There are also pronouncements of our own High Courts in India upon which the Respondent's learned counsel has rightly relied. In *A.I.R. 1942 Bombay 191 (K. M. Kulkarni Vs. Ganpat)*, *A.I.R. 1960 Bombay 213 (Rameshwar Thapper Vs. The Province of Bombay)* it has been explained that when different languages are used different intention has to be gathered and different things are meant. Thus here the old word 'Chamar' is substituted by a list of other words which would lead to the clear conclusion that something different was meant.

18. This will also follow from a careful scrutiny of the Order itself. In part VI, which refers specifically to Madhya Pradesh under (1) for the Districts of Bhind etc. item No. 9 specifically includes both the words 'Chamar' and 'Jatav'. If they were synonyms this would not have happened. Again in No. 16(b) of Part VI the words used are 'Chamar, Jatav or Mochi' for the District of Raisen and Sehore. However for the territory in question item No. 6 Part VI(16) the words used are 'Chamar, Ahirwar, Chamar-Mangan, Mochi or Raidas. Hence the omission can only mean that Jatavs are excluded, for there can be no repugnancy in two different parts of the same Act or Order.

19. No doubt it is true that the word Chamar has not been qualified by the further appendages as urged by the learned counsel for the respondent because in item No. 3 of Part VIII(2) it is not the first word used at all, but all the same when the word 'Jatav' is used in other places, and not used for this Territory it can only mean that Jatavs are not Scheduled Caste here.

20. The position is the same under the Order with regard to the other States as well. In Andhra Pradesh there is no Jatav, but for Hyderabad the general word Chambhar is used. In Assam Muchi or Rish is the description. In Behar the words used are Cumarar Mochi, but in Gujerat a big list is given for all District except Rajkot and Kutch. In Malabar Chamar or Mochi is mentioned, and so also in Madras, but in Maharashtra big lists are given, except No. 7(30) referring to Mochi only. Similar is the position in Mysore. Again in Orissa Chamar, Mochi, Muchi or Satnami is the description.

21. Particularly noticeable is the fact that in Rajasthan the position is very similar to our State. Jatava are included in some parts and not in others, though big descriptions are given everywhere. They are included in sub-para 1 item No. 16, part 2 item No. 11, part 4 item No. 9 but not included in part 2 item No. 3. Again in Uttar Pradesh throughout the State Jatava are included except in territory described in parts 2 and 3. This difference throughout an enactment can therefore only mean that when Jatav are not specifically included for any particular territory the sub-caste cannot become the scheduled caste for that territory. In fact in so many places Chamars are not even treated as a backward class as is clear from the Order of 1951. Therefore the only possible conclusion is that Jatava cannot be scheduled caste for the Constituency in question after 1st May, 1960. In this view which I take of the case I hold that the Returning Officer rightly rejected the nomination paper of Balramdas.

22. Before the Returning Officer an argument was advanced on the basis of section 4-A of the Representation of the People Act 1951, and it was contended that because in Bhind the Petitioner could have been regarded as a duly qualified candidate he could be so regarded in this Constituency as well. However this has not been pressed before me, and is untenable because a scheduled caste candidate can contest an election from a territory where he can be recognised as such, and not in a territory not recognising his caste as a scheduled caste.

23. *Issue No. 1(b)*.—It has been held even in 3-E.L.R. 409 (*Balakram Vs. Shankar Rao*) upon which the Petitioner's learned counsel has himself relied that the Returning Officer can hold an enquiry. In A.I.R. 1954 Supreme Court 520 (*D. S. Mehta Vs. Raghurajsingh*) also it has been explained that the Returning Officer has to hold an enquiry when the qualification of a candidate is challenged. Otherwise the recitals in the nomination paper have to be accepted as such. Hence merely because in the nomination paper Ex. A-4 to A-7 Balramdas described himself as a Chamar, the Returning Officer was not precluded from finding out whether this was really the case or not. In fact the learned counsel for the petitioner has rightly given up this contention.

24. *Issue No. 1(c)*.—Ghanshyam Das was a Kori which is not a scheduled caste for this territory. Here again the petitioner's learned counsel conceded this.

25. *Issue No. 2(a) & (b)*.—No doubt A.W. 20 Shri Akhtar, Irrigation Executive Engineer, has proved that there was a subsisting contract between the State Government and the respondent, but u/s 7(d) of the Representation of the People Act 1951 a disqualification arises only when the contract is entered into with the appropriate Government which is defined u/s 9 as the Central Government for being a member of either house of Parliament. Hence when the respondent's contract was not with the Central Government he did not incur any disqualification and even this is conceded by the petitioner's learned counsel. Therefore his nomination paper was rightly accepted.

26. *Issue No. 3(a)*.—About this A.W. 45 Juju deposes that Nathoo was canvassing votes on the ground that Kure Mate was a Chamar and they had set him up. Actually even the petitioner is a Chamar, and the distribution of pamphlets like Ex. A-8 cannot be said to amount to a communal pressure. A.W.46 Daryaosingh and A.W.51 Parsadi also depose to the same effect, but the important fact is that it is not known who published Ex. A-8 and who got it distributed. The original was not even available from the record of the Returning Officer. That the respondent himself distributed it is not established in this case because I have disbelieved the witnesses who depose about it.

27. In this connection there is the evidence of N.A.W.24 Hajjoo who has denied that there was any such decision and he had published the pamphlet Ex.A-1. N.A.W.25 Nathuram Mate has also denied that there was any propaganda to the effect that if votes were not given to the respondent there would be a social boycott of those not supporting the respondent. N.A.W.26 Kure Mate has sworn that he never went to the Lidhora Constituency at all and moved about Datia, Bijawar, Malehra and Seondha. Hence I hold that this corrupt practice has not at all been established.

28. It is also clear that such kind of canvassing cannot amount to communal pressure and I rely on—A.I.R. 1950 *Rajasthan* 280 (*Khilumal Vs. Arjundas*), A.I.R. 1959 *Allahabad* 264 (*G. A. Khan Vs. K. Gupta*) and A.I.R. 1960 *Supreme Court* 148 (*Shubhnath Deogan Vs. Ram Narain Prasad*).

29. *Issue Nos. 3(b)(c)(d)(e)(f) and 4*.—For reasons given by me in the connected petition No. 249 of 62 *Shyam Lal Sahu Vs. Laxmi Narain Nail* I hold that

such corrupt practices have not at all been established on the part of the respondent or any one else, much less has it been shown that these practices were committed with the consent of the respondent and the result of the election was affected thereby.

30. *Issue No. 5.*—The respondent has adduced no evidence to prove this.

31. *Issue No. 6 & 7.*—The election therefore cannot be declared void. This petition consequently fails and is dismissed with costs. The petitioner is ordered to pay the respondent's full costs. I allow pleaders fees Rs. 250 only though the certificates filed are for larger amounts.

(Sd.) R. D. DOONGAJI, Member,
Election Tribunal, Chhatarpur-M.P.

By order,

[No. 82/318/62.]

K. S. RAJAGOPALAN, Under Secy.

MINISTRY OF LAW

(Department of Legal Affairs)

New Delhi, the 9th October 1962

S.O. 3139.—In exercise of the powers conferred by section 57 of the Administrator General's Act, 1913 (3 of 1913), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Home Department (Judicial) No. F. 620/32, dated the 25th July, 1932, namely:—

In the Schedule to the said notification, the entry "6: Netherlands" shall be omitted and the entries serial Nos. 7 to 14 shall be re-numbered as serial Nos. 6 to 13.

For and on behalf of the
President of India and in his name.

[No. 53(3)/58-J.]

H. C. DAGA, Jt. Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 10th October, 1962

S.O. 3140—Statement of the Affairs of the Reserve Bank India, as on the 28th September, 1962.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	28,29,97,000
Reserve Fund	80,00,00,000	Rupee Coin	2,43,000
National Agricultural Credit (Long Term Operations) Fund	61,00,00,000	Small Coin	3,60,000
National Agricultural Credit (Stabilisation) Fund	7,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
Deposits :—		(a) Loans and Advances to :—	
(a) Government		(i) State Governments	24,00,60,000
(i) Central Government	61,78,62,000	(ii) State Co-operative Banks	11,71,94,000
(ii) State Governments	13,76,25,000	(iii) Central Land Mortgage Banks . . . . .	..
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	2,84,90,000
(i) Scheduled Banks	83,93,48,000	National Agricultural Credit (Stabilisation) Fund Loans and Ad- vances to State Co-operative Banks . . . . .	..
(ii) State Co-operative Banks	1,77,08,000	Bills Purchased and Discounted :—	
(iii) Other Banks	2,00,000	(a) Internal . . . . .	..
(c) Others	163,08,84,000	(b) External . . . . .	..
Bills Payable	22,55,59,000	(c) Government Treasury Bills	102,27,42,000
Other Liabilities	124,58,02,000	Balances Held Abroad*	5,59,57,000
Rupees	524,49,88,000	Loans and Advances to Governments**	7,36,89,000
		Loans and Advances to :—	
		(i) Scheduled Banks†	4,54,70,000
		(ii) State Co-operative Banks‡	128,96,70,000
		(iii) Others	1,31,57,000
		Investments	172,75,87,000
		Other Assets	34,73,72,000
		Rupees	524,49,88,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 3,61,00,000 advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dates the 3rd day of October, 1962.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 28th day of September, 1962.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	28,29,97,000		Gold Coin and Bullion:—		
Notes in circulation	2011,48,18,000		(a) Held in India	117,76,10,000	
Total Notes issued		2039,78,15,000	(b) Held outside India	..	
			Foreign Securities	88,34,17,000	
			TOTAL		205,10,27,000
			Rupee Coin		125,63,14,000
			Government of India Rupee Securities		1708,04,74,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2039,78,15,000	TOTAL ASSETS		2039,78,15,000

Dated the 3rd day of October, 1962.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/62.]

New Delhi, the 11th October 1962

S.O. 3141.—Statement of the Affairs of the Reserve Bank of India, as on the 5th October 1962.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up.	5,00,00,000	Notes	17,84,70,000
Reserve Fund	80,00,00,000	Rupee Coin	2,71,000
National Agricultural Credit (Long Term Operations) Fund	61,00,00,000	Small Coin	3,63,000
National Agricultural Credit (Stabilisation) Fund	7,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
Deposits :—		(a) Loans and Advances to :—	
(a) Government		(i) State Governments	23,99,95,000
(i) Central Government	60,86,70,000	(ii) State Co-operative Banks	11,68,17,000
(ii) State Governments	17,95,37,000	(iii) Central Land Mortgage Banks . . . . .	..
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	2,84,88,000
(i) Scheduled Banks	83,48,21,000	National Agricultural Credit (Stabilisation) Fund Loans and Advances to State Co-operative Banks . . . . .	..
(ii) State Co-operative Banks	2,32,21,000	Bills Purchased and Discounted :—	
(iii) Other Banks	2,00,000	(a) Internal . . . . .	..
(c) Others	160,08,25,000	(b) External . . . . .	..
Bills Payable	21,82,67,000	(c) Government Treasury Bills	136,73,29,000
Other Liabilities	25,28,17,000	Balances held abroad*	5,63,67,000
		Loans and Advances to Governments**	11,43,62,000
		Loans and Advances to :—	
		(i) Scheduled Banks†	11,17,95,000
		(ii) State Co-operative Banks††	130,35,67,000
		(iii) Others	1,36,57,000
		Investments	136,64,27,000
		Other Assets	35,04,50,000
Rupees	524,83,58,000	Rupees	524,83,58,000

*Includes Cash and Short Term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 5,89,00,000 advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated, the 10th day of October, 1962.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 5th day of October, 1962.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	17,84,70,000		Gold Coin and Bullion :—		
			(a) Held in India	117,76,10,000	
Notes in circulation	2054,33,82,000		(b) Held outside India . . . .	..
			Foreign Securities	88,33,43,000	
Total Notes issued		2072,18,52,000			
			TOTAL		206,09,53,000
			Rupee Coin		123,04,25,000
			Government of India Rupee Securities		1743,04,74,000
			Internal Bills of Exchange and other commercial paper . . . . .		..
TOTAL LIABILITIES		2072,18,52,000	TOTAL ASSETS		2072,18,52,000

Dated, the 10th day of October, 1962.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/62.]

A. BAKSI, Jr. Secy.

(Department of Revenue)**INCOME-TAX***New Delhi, the 4th October, 1962*

S.O. 3142.—In exercise of the powers conferred by sub-section (1) of section 230, of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following further amendment to the notification of the Government of India in the Ministry of Finance (Revenue Division) No. S.R.O. 961, dated the 25th May, 1953, namely:—

In the said notification, for clause (2), the following clause shall be substituted, namely:—

“(2) Persons who are not domiciled in India, provided that the total period spent in India does not exceed ninety days”.

[No. 65 (F. No. 46/43/60-IT(AI)).]

G. R. DESAI, Dy. Secy.

CENTRAL BOARD OF REVENUE**INCOME-TAX***New Delhi, the 15th October, 1962.*

S.O. 3143.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act 1961 (43 of 1961), the Central Board of Revenue hereby makes the following amendments to its Notification S.O. 1497 (No. 24-Income-tax dated the 14th May, 1962) namely:—

In the Schedule annexed to the said notification, for the existing entries in column 2 against Bulsar and Surat Range, the following shall be substituted namely:—

1. Bulsar Circle.
2. Navsari Circle.
3. Circle II, Surat (excluding wards A, B and C).
1. Circle I, Surat.
2. Wards A, B and C of Circle II, Surat.

Explanatory Note

These amendments have become necessary on account of the Reorganisation of the Appellate Ranges.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 67(F. No. 50/6/62-IT).]

CORRIGENDUM*New Delhi, the 10th October 1962*

S.O. 3144.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue hereby directs that in its Notification No. 36 (F. No. 55/1/62-IB), dated the 11th July 1962 published as S.O. 2281 on page 2597 of the Gazette of India, dated the 21st July, 1962 item “19. Special Survey Circle IV” may be deleted.

[No. 66 (F. No. 55/1/62-IT).]

J. RAMA IYER, Under Secy.

CENTRAL EXCISE COLLECTORATE, POONA*Poona, the 27th September 1962*

S.O. 3145.—In exercise of the powers conferred upon me under Rule 233 of the Central Excise Rules, 1944 I hereby cancel this Collectorate Notification No. CER/3/60, dated the 24th February, 1960.

[No. C.E.R./13/62.]

B. D. DESHMUKH, Collector.

MINISTRY OF COMMERCE & INDUSTRY*New Delhi, the 1st October 1962*

S.O. 3146.—In pursuance of sub-clause (i) of clause 4 of the Woollen Textiles (Production and Distribution Control) Order, 1960, the Textile Commissioner hereby directs that the maximum ex-factory selling price of worsted woollen grey hand-knitting yarn of the count specified in column 1 of the Schedule below and of a quality mentioned in column 2, 3, 4, 5, 6 or 7 of that Schedule shall be the amount specified in the corresponding entry in the appropriate column of the said Schedule.

THE SCHEDULE

Count	Quality					
	70s	64s	60s	58s	56s	50/48s
I	2	3	4	5	6	7
4/16	23·91	23 10	22·48	21·99	21·51	20·41

NOTE 1: The prices specified are in Rupees per Kilogram.

2: The price of yarn of a count not specified in the Schedule shall be arrived at—

- (a) for counts above 4/16s, by adding 7 nP. per count to the price specified for yarn of 4/16s count;
- (b) for counts below 4/16s, by deducting 7 nP. per count from the price specified for yarn of 4/16s count;
- (c) in case of more than four-fold yarn or less than four-fold yarn, the prices will be the same as for four-fold yarn indicated in the appropriate column of the Schedule above.

[No. 17(31)Tex(D)/61.]

ORDER*New Delhi, the 1st October 1962*

S.O. 3147.—In pursuance of sub-clause (1) of clause 4 of the Woollen Textiles (Production and Distribution) Control Order, 1960, the Textile Commissioner hereby directs that the maximum ex-factory selling price of worsted woollen weaving yarn of a count specified in column 1 of the Schedule below and of a quality mentioned in column 2, 3, 4, 5, 6 or 7 of that Schedule shall be the amount specified in the corresponding entry in the appropriate column of the said Schedule.

THE SCHEDULE

Count	Quality					
	70s.	64s.	60s.	58s.	56s.	50/48s.
I	2	3	4	5	6	7
2/64	30·02	29·21	..	..	..	..
2/60	29·21	28·37	..	..	..	..
2/56	28·37	27·56	26·94	..	..	..
2/48	26·72	25·90	25·29	..	..	..
2/40	25·62	24·80	24·18	23·70	..	..
2/32	24·52	23·70	23·08	22·60	22·11	..
2/24	23·41	22·60	21·98	21·49	21·01	19·91
2/18	22·99	22·18	21·56	21·07	20·59	19·49

NOTE 1: The prices specified are in Rupees per Kilogram.

2. The price for yarn of a count not specified in the Schedule shall be arrived at—
 - (a) for intermediate counts above 2/18 but below 2/24, by deducting 7 nP. per count from the price specified for yarn of 2/24 count;
 - (b) for intermediate counts above 2/24 but below 2/48, by adding 13 nP. per count to the price specified for yarn of the nearest lower count;
 - (c) for intermediate counts above 2/48 but below 2/64, by adding 20 nP. per count to the price specified for yarn of the nearest lower count.

[No. 17(41)Tex(D)/62.]

I. B. DUTT,

Industrial Adviser and
Ex-Officio Joint Textile Commissioner.

ORDERS

☛ *New Delhi, the 15th October 1962*

S.O. 3148/IDRA/6/18.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri H. D. Shourie to be a member, till the 29th April, 1964, of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1330, dated the 30th April 1962 for the scheduled industries engaged in the manufacture or production of Leather and Leather Goods and directs that the following amendment shall be made in the said Order, namely:—

In the said Order after entry No. 29 relating to Shri N. M. Anwar, the following entry shall be inserted, namely:—

“30. Shri H. D. Shourie,”
Executive Director,
National Productivity Council,
38, Golf Links,
New Delhi-3.

[No. 4(37)L.Pr./61.]

S.O. 3149/IDRA/6/14.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(1) and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Sarvashri R. D. Copas, Noshir R. N. Rustomji and B. P. Varma to be members, till the 29th August 1964, of the Development Council established by the Order of Government of India in the Ministry of Commerce and Industry No. S.O. 2779, dated the 30th August 1962 for the scheduled industries engaged in the manufacture or production of Food Processing Industries and directs that the following amendments shall be made in the said Order, namely:—

In the said Order,

- (i) for entry No. 13 relating to Shri Cock, the following entry shall be substituted, namely:—

“13. Shri R. D. Copas,”
M/s. Hindusthan Milkfood Manufacturers (P) Ltd.,
Bir Niwas,
Circular Road,
Nabha (Punjab),

- (ii) for entry No. 17 relating to Shri R. N. Rustomjee, the following entry shall be substituted, namely:—

“17. Shri Noshir R. N. Rustomji,”
M/s. James Smith & Co.,
P.O. Box No. 884,
Shrinivas House, Ground Floor,
Outram Road,
Fort, Bombay-1,

(iii) for entry No. 19 relating to Shri H. L. Verma, the following entry shall be substituted, namely:—

"19. Shri B. P. Varma,"
Officer incharge, Bacon Factory,
Central Dairy Farm,
Aligarh.

[No. 1(8)/L.Pr./62.]

S. P. KRISHNAMURTHY, Under Secy.

ORDER

New Delhi, the 15th October 1962

S.O. 3150/IDRA/6/1.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of Instruments, Bicycles and Sewing Machines in place of members appointed under the Government of India, Ministry of Commerce and Industry Order No. S.O. 1740, dated the 7th July, 1960, as amended from time to time, whose term of office has expired by efflux of time or otherwise:—

"DEVELOPMENT COUNCIL FOR INSTRUMENTS, BICYCLES & SEWING MACHINES"

CHAIRMAN

1. Shri N. M. Athawale,
M/s. Bajaj Electricals Ltd.,
47/21, Law College Road, Poona-4.

MEMBERS

2. Shri B. A. Forsyth,
M/s. T.I. Cycles of India Ltd.,
Ambattur, Madras.
3. Shri Bishambar Das Kapur,
M/s. Atlas Cycle Industries Ltd.,
Sonapat.
4. Shri Harbans Singh,
Secretary, Ludhiana Cycle Manufacturers Association,
Ludhiana.
5. Shri T. R. Gupta,
M/s. Jay Engineering Works Ltd.,
P.B. No. 2158, Calcutta.
6. Shri Lajpat Rai,
M/s. Rita Mechanical Works, Ludhiana.
7. Shri N. R. Srinivasan,
T.V.S. Singer,
Madurai.
8. Dr. G. R. Toshniwal,
Toshniwal Bros. (P) Ltd.,
'Rival', Kacheri Road,
Ajmer.
9. Dr. K. N. Mathur,
Director, Central Scientific Instruments Organisation,
C.S.I.R. Building, Old Mill Road, New Delhi.
10. Shri L. M. De,
M/s. National Instruments Ltd.,
Jadavpur, Calcutta-32.
11. Shri Y. A. Fazalbhoy,
M/s. General Radio and Appliances (P) Ltd.,
8, New Queens Road,
Bombay-4.

12. Shri M. Syed Fakruddin,
Rapid Industries, Rapid Nagar,
Kovar Post, Madras.
13. Shri P. N. Varma,
M/s. The British Machinery Supplies Co.,
Nai Sarak, Delhi.
14. Shri Abhijit Sen,
M/s. Sen-Raleigh Industries of India Ltd.,
Mercantile Building, Lall Bazar, Calcutta.
15. Shri S. P. Venkateswaran,
Assistant Director, Aeronautical Research Laboratory,
Bangalore.
16. Shri Gurbaksh Singh Bhasin,
M/s. Cycle Industries,
Ghaziabad.
17. Shri P. V. Subba Rao,
M/s. Andhra Scientific Co.,
Masulipatam (Andhra Pradesh).
18. Shri B. S. Sindhu,
M/s. James Finlay & Co., Ltd.,
Hamilton Building, Connaught Place,
New Delhi.
19. Shri G. N. Murthy,
M/s. Standard Dresses,
T. Nagar, Madras-17.
20. Mrs. K. Tandon,
Social Welfare & Rehabilitation Dte.,
Ministry of Home Affairs,
New Delhi.
21. Shri M. V. Patankar,
Indian Standards Institution,
Manak Bhavan, 9, Mathura Road,
New Delhi.
22. Shri P. L. Sehgal,
Development Officer,
Office of the Development Commissioner,
Small Scale Industries,
Udyog Bhavan, New Delhi.
23. Shri V. Krishnamoorthy,
Development Officer (Instruments),
Development Wing, New Delhi.
24. Shri G. K. Mehta,
M/s. Associated Instruments (P) Ltd.,
Sunlight Building, 26-27, Asaf Ali Road,
New Delhi.
25. Shri D. C. Sutaria,
Managing Director,
Bombay Cycle Stores Co. Ltd., Nagpur.
26. Dr. C. S. Rao,
Director,
Instruments Research and Development Establishment,
Raipur, Dehra Dun.
27. Shri Gopeshwar,
Asansol Iron and Steel Workers Union,
Bari Manzil, Burnpur,
District Burdwan (West Bengal).
28. Shri Purshuram Ramchandra Ghosalkar,
Dnyanshwar Nagar,
Block B-8, R. No. 44,
Sewree—Wadala, Bombay-31.

2. Shri V. Krishnamoorthy, Development Officer (Instruments), Development Wing, New Delhi, is hereby appointed to carry on the function of Secretary of the said Development Council.

[No. 1(6)L.Pr/62.]

K. J. GEORGE, Dy. Secy.

**(Office of the Deputy Chief Controller of Imports & Exports)
(Central Licensing Area)**

NOTICE

New Delhi, the 21st September, 1962

S.O. 3151.—It is hereby notified, that in exercise of the powers conferred by clause-9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the import Licence No. A-664960/61/AU/NS/CCI/D, dated 15th March, 1962, valued at Rs. 1,000, for import of Urea Formaldehyd Powder from General Area, granted by the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi to M/s. Bhartiya Sangeet Vadya Kala Niketan, Rajamandi, Agra, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi within ten days of the date of issue of this notice by the said M/s. Bhartiya Sangeet Vadya Kala Niketan, Rajamandi, Agra, or any Bank, or any other party, who may be interested in it.

2. In view of what is stated above, M/s. Bhartiya Sangeet Vadya Kala Niketan, Rajamandi, Agra, or any Bank, or any other party, who may be interested in the said licence No. A-664960/61/AU-IS/CCI/D, dated 15th March, 1962, are hereby directed not to enter into any commitments against the said licence.

[No. Genl/184/AM-63/Pol/CLA.]

RAM MURTI SHARMA,

Dy. Chief Controller of Imports and Exports.

(Indian Standards Institution)

New Delhi, the 9th October 1962

S.O. 3152.—In partial modification of the rate of marking fee for Magnesium Chloride, Technical, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification No. S.O. 811, dated the 23rd March 1960 published in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 2nd April 1960, the Indian Standards Institution hereby notifies that the marking fee per unit for Magnesium Chloride, Technical has been revised. The revised rate of marking fee, details of which are given in the Schedule hereto annexed, shall come into force with immediate effect.

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1	Magnesium Chloride, Technical	IS. 254—1950 Specification for Magnesium Chloride, Technical	One Metric Tonne	25 nP. per unit with a minimum of Rs. 2,500.00 for production during a calendar year.

[No. MD/18:2.]

S.O. 3153.—In partial modification of the rate of marking fee for Copper Sulphate, Technical, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification No. S.O. 208, dated the 18th February 1958 published in the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 15th March 1958, the Copper Sulphate, Technical has been revised. The revised rate of marking fee, details of which are given in the Schedule hereto, annexed, shall come into force with immediate effect.

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1	Copper Sulphate, Technical	IS: 261—1950 Specification for Copper Sulphate, Technical	One Metric Tonne	Rs. 2.00

[No. MD/18:2.]

C. N. MODAWAL,

Head of the Certification Marks Division.

MINISTRY OF STEEL AND HEAVY INDUSTRIES**(Department of Iron and Steel)***New Delhi, the 18th October, 1962.*

S.O. 3154. ESS. COMM/Iron and Steel-15(1).—The following notification issued by the Iron and Steel Controller under Clause 15(1) of the Iron and Steel (Control) Order, 1956, is published for general information:—

"NOTIFICATION.

In exercise of the powers conferred by Sub-clause (1) of Clause 15 of the Iron and Steel (Control) Order, 1956 and with the approval of the Central Government the Iron and Steel Controller hereby notifies the following corrigendum to the prices of prime quality steel and semis, Schedule IV published under notification No. S.O. 1719/ESS. COMM/Iron & Steel/AM(65), dated 1st June, 1962, published in the Gazette of India in Part II Section 3(ii) dated 2nd June, 1962, and also an addendum to Extras List, Appendix I to the notification No. S.O. 2249-ESS. COMM/Iron & Steel-15(1) and 27(1) dated 18th October, 1958, and published in the Gazette of India in Part II, Section 3(ii) dated 1st November, 1958.

Corrigendum to Schedule IV.*Under Notification dated 1st June, 1962.*

Item No. 9C	Instead of	Rs. 897 for Col. II untested
	Read	Rs. 875 for Col. II untested.

Addendum to Appendix I.*Under Notification dated 18th October, 1958.*

Item No. K-Base price item No. II-Heavy Rails:—

Insert 1 (a) Cooling of Rails
by Bhilai Process

Rate per M/T.
Rs. 3.73

A. N. BANERJI,**Iron and Steel Controller".**

[No. SC(C)-2(26)/62.]

M. PRASAD, Dy. Secy.**MINISTRY OF MINES & FUEL***New Delhi, the 4th October 1962*

S.O. 3155.—Whereas by the Notification of the Government of India in the Department of Mines and Fuel (late Ministry of Steel, Mines & Fuel) S.O. No. 315, dated the 4th February, 1961 under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the schedule appended to that notification;

And whereas, no objection was made to the acquisition of the land aforesaid;

And whereas, the Central Government after consulting the State Government of Bihar is satisfied that the land measuring 2750.78 acres or 1114.06 Hectares described in the schedule should be acquired;

Now, therefore, in exercise of the powers, conferred by sub-section (1) of section 9 of the said Act, it is hereby declared that the lands measuring 2750.78 acres or 1114.06 Hectares described in the said Schedule are hereby acquired.

The plan of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Palamu (Daltonganj), Bihar or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation Ltd. (Revenue Section), Darbhanga House, Ranchi.

SCHEDULE
Pindarkom-Ganeshpur Block
Block A

Drg. No. Rev/50/62,
dated 22-7-1962.

Sub-Block 1**All Rights**

Sl. No.	Name of Village	Thana	Thana No.	District	Area	Remarks
1	Pindarkom	Balumath	217	Palamu	544.25 Acres or 220.42 Hectare	Part.
2	Basiya	Balumath	215	Palamu	206.75 Acres or 83.73 Hectare	Part.
3	Nagra	Balumath	68	Palamu	90.00 Acres or 36.45 Hectare	Part.
4	Jala	Balumath	67	Palamu	527.80 Acres or 213.76 Hectare	
TOTAL					1368.80 Acres (Approx). Or. 554.36 Hectares.	

Plot Nos. acquired in village Pindarkom : 64(P), 70(P), 71(P), 72(P), 73(P), 106(P), 117(P), 118(P), 119 to 133, 134(P), 135(P), 136, 137, 138, 139, 140, 141, 142(F), 143, 144, 145(F), 147(P), 163(P), 199(P), 323(P), 421(P), 428(P), 455(P), 458(P), 459(P), 460(P), 461 to 466, 467(P), 468(P), 469(P), 470, 471, 472(P), 473(P), 476(P), 477(P), 482(F), 500(P), 501, 502(F), 506(F), 507, 508, 509(P), 510(P), 511(P), 512(P), 514(P), 515, 516, 517, 518(P), 519(P), 520, 521, 522(P), 523(F), 524(P), 525, 526, 527(P), 528 to 534, 535(P), 536(P), 537(P), 538, 539(P), 541(P), 542, 543, 544(P), 545(P), 546 to 553, 555(P), 556(P), 557(P), 558, 559, 560, 561(P), 562 to 571, 572(P), 573, 574(P), 575(P), 577(P), 578(P), 579, 580, 581, 582(P), 583 to 590, 591(P), 592(P), 593(P), 594 to 622, 623(P), 624(P), 625, 626, 627, 628(P), 629, 630, 631, 632(P), 634(P), 635, 636, 637(F), 640 to 645 and 646(P).

Plot Nos. acquired in village Basiya :—1403(P), 1412(P), 1414(P), 1416(P), 1417(F), 1418(P), 1419(P), 1420(P), 1421, 1422(P), 14123, 1424(P), 1425, 1426(F), 1427 to 1429, 1437(F), 1438 to 1442, 1443(P), 1444(P), 1445, 1446 to 1510, 1511(P), 1512 to 1537, 1551 and 1562.

Plot Nos. acquired in village Nagra :—848(P), 849(P), 894(P) 895(P), 896 to 905 and 906(P).

Plot Nos. acquired in village Jala :—33(P), 34 to 45, 46(P), 47, 48, 49(P), 50 to 131, 132(P), 133, 134(P), 135(P), 146(P), 147(P), 148(P), 149, 150(P), 151(P), 154(P), 155(P), 156(F), 157(P), 158, 159, 160(P), 161 to 177, 178(P), 180(P), 181, 182, 183(P), 184(P), 185(F), 186(F), 437(F), 463(P), 511(P), 513(P), 514, 515, 516(P), 517(P), 518(P), 519(P), 520, 521(P), 522(P), 523, 524, 525(P), 526(P), 527, 528, 529, 530(P), 531 to 535, 536(P), 537(F), 538(P), 539(P), 540 to 600, 601(P), 602(P), 604(P), 609, 611 and 612(P).

Boundary Description of Sub-Block—I.

A—B Line passes through plot Nos. 421, 428, 467, 468, 469, 472, 473, 476, 477, 467, 482, 500, 502, 506, 509, 510, 511, 512, 514, 518, 519, 522, 523, 524, 527, 323, 529, 541, 544, 545, along with the common boundary between plot Nos. 553 and 554, through plot Nos. 556, 557, 551, 555, 572 and meeting the point at B in Village Pindarkom.

B—C—D—E—F—Line passes through plot Nos. 574, 575, 593, 592, 591, 577, 578, 582, 199, 163, 145, 152, 147, 64, 70, 72, 71, 73, 106, 118, 117, 134 in village Pindarkom, through plot Nos. 1511, 1422, 1414, 1416, 1417, 1418, 1419, 1420, 1424, 1412, 1426, 1437, 1443, 1444, 1403, in village Basiya through plot Nos. 848, 849, 906, 894, 895, in village Nagra through plot Nos. 33, 49, 135, 134, 132, 148, 147, 146, 151, 150, 154, 155, 156, 157, 160, 186, 185, 184, 183, 178, 180, 463, 539, 538, 537, 536, 530, 526, 525, 522, 521, 511, 519, 518, 437, 513 and meeting the point at F in village Jala.

F—G. line passes along the common boundary of villages Jala and Seregara.

G—H. line passes through plot Nos. 516, 517, 604, 601, 602, 46, 612, in village Jala, through Plot Nos. 646, 135, 163, 632, 634, 637 and meeting the point at 'H' in village Pindarkom.

H—A. line passes along the southern boundary of village Pindarkom through Plot Nos. 628, 624, 623, 537, 536, 535, 459, 458, 460, 455, 467, 428, 421 and meeting the point at 'A' in village Pindarkom.

SUB BLOCK IV					ALL RIGHTS	
Sl. No.	Village	Thana	Thana No.	District	Area in acre	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Seregara	Balumath	60	Palamu	360.25 Or 145.90 Hectare	Part.
2	Ganeshpur	Balumath	57	Palamu	597.38 or 241.94 Hectare	Part.
3	Phulbasia	Balumath	58	Palamu	424.35 or 171.86 Hectare	Part.
TOTAL					1381.98 Acres or 559.70 Hectare (Approximately).	

Plot Nos. acquired in village Seregara :—952(P), 954(P), 955(P), 956, 957, 958, 959(P), 960, 961(P), 962 to 968, 969(P), 970, 971, 972, 973(P), 974(P), 975, 976, 977(P), 980(P), 992(P), 1015(P), 1017(P), 1018, 1019(P), 1020(P), 1021 to 1028, 1029(P), 1030 to 1041, 1042(P), 1043 to 1077, 1078(P), 1079 to 1082, 1083(P), 2722(P), 2723(P), 2724(P), 2725(P), 2726(P), 2727(P), and 2728(P).

Plot Nos. acquired in village Phulbasia :—1391(P), 1403(P), 1404, 1405(P), 1537(P), 1546(P), 1550(P), 1553(P), 1554, 1555, 1556(P), 1557(P), 1558, to 1615, 1616(P), 1617(P), 1618, 1619(P), 1623(P), 1626(P), 1627(P), 1628(P), 1629 to 1634, 1635(P), 1636(P), 1637(P), 1639(P), 1640(P), 1641 to 1779, 1780(P), 1781 to 1800, 1812 to 1815, 1819, 1820(P), 1821, 1822, 1823(P), 1824 to 1830 and 1831(P).

Plot Nos. acquired in village Ganeshpur :—1 to 132, 133(P), 134, 135, 136(P), 171(P), 172(P), 173(P), 174 to 194, 195(P), 196, 197(P), 198(P), 199(P), 200(P), 204(P), 205(P), 206(P), 207(P), 246(P), 1624 to 1639, 1640(P), 1653 to 1662, 1664 to 1672.

Boundary Description of Sub Block II.

F—G line passes along the common boundary of Villages Jala and Seregara.

G—I line passes through plot Nos. 2726, 2725, 1078, 2727, 2728, and meeting at point I in village Seregara.

I—J line passes through plot Nos. 1640, 246, 136, 133, 171, 172, 173, 195, 197, 198, 199, 200, 204, 205, 206, 207 and meeting the point at J in village Ganeshpur.

J—K line passes along the Central line of River Dhor Dhora which is the Western boundary of villages Ganeshpur and Phulbasia and meeting the point at K.

K—L line passes through plot Nos. 1391, 1780, 1403, 1405, 1406, 1640, 1639, 1636, 1635, 1637, 1626, 1627, 1628, 1623, 1616, 1617, 1619, 1550, 1557, 1556, 1553, 1546, 1537, 1820, 1823, 1831, and meeting the point at L in village Phulbasia.

L—M line passes along the common boundary of villages Ganeshpur and Chotar

M—F line passes through plot Nos. 952, 959, 954, 955, 961, 969, 980, 973, 974, 977, 992, 1017, 1015, 1019, 1020, 1029, 1042, 1083, 2722, 2724, 2723, 2725 and meeting the point at 'F' in village Jala.

[No. C2-20(13)/58.]

A. S. GREWAL, Dy. Secy.

ORDER

New Delhi, the 10th October 1962

S.O. 3156.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following further amendment to the Order of the Government of India in the late Ministry of Production No. S.R.O. 1185, dated the 2nd April, 1957, namely:—

In the Schedule annexed to the said Order, against Serial Number 4, in column 2,

(a) after entry (v), the following entry shall be inserted, namely:—

“(vi) Assistant Director of Industries (Procurement)”;

(b) the existing entries (vi), (vii) and (viii) shall be re-numbered as entries (vii), (viii) and (ix) respectively.

[No. 11/7/61-CL.]

S. KRISHNASWAMY, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 10th October 1962

S.O. 3157.—Under Section 4(x) of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to appoint Shri R. Doraiswamy, Textile Commissioner with the Government of India, Bombay as member of the Indian Central Cotton Committee, Bombay upto 31st March, 1963 *vice* late Shri W. R. Natu.

[No. 1(4)/62-Com.IV/III.]

N. K. DUTTA, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 11th October 1962

S.O. 3158.—Whereas the members of the Senate of the University of Calcutta have, in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), elected Dr. S. N. Sen, M.B.B.S., M.R.C.P., (London), Dean of the Faculty of Medicine of the University of Calcutta, as a member of the Medical Council of India, *vice* Dr. B. C. Roy, deceased:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3, read with sub-section (4) of section 7, of the Indian Medical Council Act, 1956, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Health, No. F. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3”, for the entries against serial No. 5, the following entries shall be substituted, namely:—

“Dr. S. N. Sen, M.B.B.S., M.R.C.P. (London), Dean of the Faculty of Medicine, University of Calcutta, Calcutta.”

[No. F. 5-35/62-MI.]

P. L. GUPTA, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS**(Departments of Communications and Civil Aviation)***New Delhi, the 10th October, 1962.*

S.O. 3159.—In exercise of the powers conferred by Section 4 of the Air Corporations Act, 1953, (27 of 1953), the Central Government hereby appoints, with effect from the 1st October, 1962, Shri S. Mullick, General Manager, Indian Airlines Corporation, as a Member of the Indian Airlines Corporation and the Air-India Corporation, vice Air Vice Marshal P. C. Lal, resigned.

[No. 3-CA(10)/62-Pt.]

K. GOPALAKRISHNAN, Dy. Secy.**MINISTRY OF WORKS, HOUSING & SUPPLY****(Department of Rehabilitation)****(Office of the Chief Settlement Commissioner)***New Delhi, the 4th October 1962*

S.O. 3160.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the State of Uttar Pradesh specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore in exercise of the powers conferred by section 12 of Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the said evacuee properties specified in the Schedule hereto annexed.

SCHEDULE

S. No.	Particulars of property	Name of the locality/town in which E.P. situated	Name of the evacuee
1	2	3	4
1	H. No. 42/B VI/129 . . .	Mohalla Chikantola, Distt. Fetehpur.	Mohd. Khalil.
2	H. No. 88/146 . . .	Mohalla Chamanganj, Kanpur.	Zamir Ahmad Khan S/o Bashir Ahmad Khan.
3	H. No. 93/109 . . .	Mohalla Anwarganj, Kanpur.	Do.
4	H. No. 102/106 . . .	Mohalla Colonelganj, Kanpur.	Do.
5	WC—1/5 . . .	Mohalla Malookpur, Barcilly.	1. Sri Rehmat Hussain Mutwalli. 2. Smt. Shaira Begum and Hazra Begum ds/o Sardar Khan-Beneficiaries.
6	1/2 portion A—8/39 . . . East :—M. B. Lane. West :—House of Mohd. Yasin. North :—House of Rashid Ahmad. South :—M. B. Lane.	Mohalla Mufti, (Saharanpur)	Bahar Ahmad s/o Mohd. Yasin.

[No. 1(1217)58/Comp.III/Prop.]

M. J. SRIVASTAVA,
Settlement Commissioner & Ex-Officio
Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 10th October 1962

S.O. 3161.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property, Act, 1950 (31 of 1950) the Central Government hereby appoints Shri N. P. Dube as Custodian General of Evacuee Property with effect from the 9th October, 1962.

[No. 5(10)/ARG/62.]

S.O. 3162.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri N. P. Dube as Chief Settlement Commissioner, for the purpose of performing the functions assigned to such Commissioner by or under the said Act, with effect from the 9th October, 1962.

[No. 5(10)/ARG/62.]

S.O. 3163.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government hereby appoints Shri N. P. Dube as Chief Settlement Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said Act, with effect from the 9th October, 1962.

[No. 5(10)/ARG/62.]

New Delhi, the 11th October 1962

S.O. 3164.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints Shri D. D. Banga as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/242/ARG/62.]

S.O. 3165.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints Shri V. D. Uppal as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/243/ARG/62.]

KANWAR BAHADUR,

Settlement Commissioner (A) and Ex-Officio, Dy. Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 5th October 1962

S.O. 3166.—In exercise of the powers conferred by section 52 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority hereby directs that the powers exercisable by it under section 31 of the said Act may also be exercised by its Executive Officers.

[No. BG.7(81)/58(Main).]

New Delhi, the 9th October, 1962

S.O. 3167.—In exercise of the powers conferred by section 57, of the Delhi Development Act, 1957, (61 of 1957), the Delhi Development Authority hereby makes, with the previous approval of the Central Government, the following regulations to amend the Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations, 1961, published with the notification of the

Delhi Development Authority No. S.O. 2226, dated the 16th September, 1961, namely:—

1. These regulations may be called the Delhi Development Authority (Salaries, Allowances and Conditions of Service) Amendment Regulations, 1962.

2. In the Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations, 1961, in sub-regulations (5) of regulation 16, the words "approved by the disciplinary authority" shall be omitted.

[No. F. 1(45)/60-GA.]

New Delhi, the 15th October 1962

S.O. 3168.—In pursuance of the provisions of sub-section (4) of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land and Development Officer, Ministry of Works, Housing and Supply, Government of India, New Delhi.

SCHEDULE I

Piece of land measuring 250.44 acres bearing Khasra Nos. 47 min., 50 min., 53 min., 53 min., 54 min., 55 min., 63 min., of Chiragh South Estate and bounded as follows:—

North: Nazul Land.

South: Nazul Land.

East: U.P. Canal Land (Bund).

West: Boundary line of Nazul Land of Inderpat Estate.

SCHEDULE II

Piece of land measuring 131.86 acres bearing Khasra Nos. 692 min., 687 min., 693 min., 694 min., 699 min., 700 min., 695 min., 697, 698 min., 696 min., of Inderpat Estate and bounded as follows:—

North: Nazul Land.

South: Nazul Land.

East: Boundary line of Nazul Land of Chiragh South.

West: Government Land under the Land and Development Office, New Delhi.

[No. L.1(21)57.]

R. K. VAISH, Secy.

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 9th October 1962

S.O. 3169.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (censorship) Rules, 1958, the Central Government hereby appoints Shrimati Rani Mozumdar, after consultation with the Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Calcutta with immediate effect.

[No. 11/3/62-FC.]

M. PADMANABHAN, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 5th October 1962

S.O. 3170.—Whereas the Government of the State of Orissa has, in pursuance of the powers conferred by clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri C. B. Jain, Secretary to that Government in the Labour Department, as a member of the Employees' State Insurance Corporation representing that Government;

Now, therefore, in pursuance of the provisions of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. (57)/61-HI, dated the 11th June, 1962, namely:—

In the said notification, under the heading "Members", under the sub-heading "(Nominated by the State Governments under clause (d) of section 4)" in item 16, for the entries "Shri K. S. Bawa", the entries "Shri C. B. Jain" shall be substituted.

[F. No. 1(43)/62-HI.]

New Delhi, the 12th October 1962

S.O. 3171.—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2665 dated the 2nd November, 1961, namely:—

In Schedule IV of the said notification, against Serial No. 17, the entries "Bhopodi" and "M/s Khosla Plastics" occurring in columns 4 and 5 respectively shall be omitted.

[No. 6(40)/62-HI.]

New Delhi, the 16th October 1962

S.O. 3172.—Whereas the Government of the State of Madhya Pradesh has, in pursuance of the powers conferred by clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri R. C. Roy, Labour Commissioner, Madhya Pradesh, as a member of the Employees' State Insurance Corporation representing that Government;

Now, therefore, in pursuance of the provisions of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment, No. 1(57)/61-HI, dated the 11th June, 1962, namely:—

In the said notification, under the heading "Members", under the sub-heading "(Nominated by the State Governments under clause (d) of section 4)" in item 12, for the entries "Shri A. P. Verkhedkar", the entries "Shri R. C. Roy" shall be substituted.

[F. No. 1(44)/62-HI.]

O. P. TALWAR, Under Secy.

New Delhi, the 7th October 1962

S.O. 3173.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the East Nimcha Colliery, P.O. J. K. Nagar, Burdwan and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: CALCUTTA

REFERENCE NO. 36 OF 1962

Parties:

Employers in relation to the East Nimcha Colliery, P.O. J. K. Nagar, Burdwan.

AND

Their workmen.

Present:

Shri L. P. Dave—Chairman.

APPEARANCES:

On behalf of Employers—Shri L. J. Pathak, Chief Personnel Officer.

On behalf of workmen—Shri Kalyan Roy, Vice-President, Colliery Mazdoor Sabha
STATE: West Bengal. INDUSTRY: Coal Mines..

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 2/237/60-LRII dated 9th August 1962, referred the industrial dispute existing between the employers in relation to the East Nimcha Colliery and their workmen in respect of the question whether the dismissal of the thirty-six workmen named in the table given in the schedule to the order, by the Management of the East Nimcha Colliery was justified and if not, to what relief they were entitled, for adjudication to this Tribunal. Along with the order, the Government forwarded to this Tribunal a copy of the failure report furnished by the Conciliation Officer and informed the Tribunal that the copies of the order had been sent to the Manager of the Colliery and to the Secretary, Colliery Mazdoor Sabha, Asansol, who were parties to this dispute.

2. Notices were issued to the Manager of the Colliery and to the Secretary of the above Union calling upon them to file their written statements. The employers were also directed to give intimation to all workmen of the contents of the notice by exhibiting copies thereof at conspicuous places and file an affidavit in compliance thereof.

3. The Union's Vice-President appeared on 28th August 1962 and filed an application for extension of time to file written statement which time was extended upto 12th September. On the 12th September the Vice-President of the above Union and the Chief Personnel Officer of the Colliery appeared before the Tribunal and filed a memorandum, copy of which is annexed herewith, stating that the workmen concerned had all left the colliery and as such were not interested in getting back their employment and in the circumstances the Union was no longer interested in getting the justifiability or otherwise of their dismissal adjudicated upon.

4. As the reference was between the employers in relation to the Colliery and their workmen and as the workmen who may not be represented by the above Union may be interested in pressing the reference, I did not pass any orders on the above date but asked the Management to carry out the instructions already given to them, namely, to give intimation to all workmen of the contents of the notice by exhibiting copies thereof at conspicuous places and file an affidavit in compliance thereof. Accordingly, the Management filed an affidavit before this Tribunal stating that copies of the Government order and copies of the Tribunal's notice were duly exhibited on 13th September 1962 at the office Notice Board of the Colliery and at other conspicuous places at the mine. The notice required the workmen to file written statement in this matter within ten days of the receipt of the notice. As the notice was published on the 13th September, any workman who was interested in the matter could have appeared before this Tribunal at any time on or before the 23rd instant and filed a written statement. As it is, no one has appeared till to-day nor has anyone filed any written statement, it would mean that no workman is interested in pressing this reference.

5. As I mentioned above, the Union which took up the cause has stated that it is now no longer interested in pressing the reference; that being so, the reference does not now survive and is disposed of.

L. P. DAVE,
Presiding Officer.

Dated the 26th September 1962

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA.

In the matter of Reference No. 36 of 1962

AND

In the matter of Employers in relation to East Nimcha Colliery

AND

Their Workmen, represented by Colliery Mazdoor Sabha, Asansol

The humble petition on behalf of the applicants above named most respectfully sheweth:

1. That the Government of India, *vide* their Order No. 2/237/60-LRII dated 9th August 1962, have referred to the Hon'ble Tribunal an Industrial Dispute with regard to dismissal of 36 workmen from East Nimcha Colliery.

2. That the above Reference has been registered as Reference No. 36 of 1962.

3. That during the period of over two years and a quarter, 36 workmen (as per list enclosed) have all left the Colliery and are as such not interested in getting back their employment at East Nimcha Colliery.

4. That in the circumstances, the Union is no longer interested in getting the justifiability or otherwise of their dismissal adjudicated upon.

5. The Management hereby agrees to pay to the concerned workmen their legal dues, if any, as and when they turn up at the Colliery Office.

It is, therefore, humbly prayed that the Hon'ble Tribunal will be graciously pleased to pass an Award in terms of the settlement as above.

For the Management

L. J. PATHAK,

12-9-62

Chief Personal Officer.

For the Workmen

KALYAN ROY,

12-9-62.

Vice President

Colliery Mazdoor Sabha.

ANNEXURE

1. Bijal Dusadh
2. Kariman Ravidas
3. Sital Pd. Pashi
4. Mahendra Kairi
5. Ramayan Kairi
6. Ramgati Ravidas
7. Narayan Munchi
8. Ramparakh Rajbhar
9. Jagarnath Telli
10. Ch. Pairee Bhuiya
11. Biswanath Koiri
12. Ramlachan Ahir
13. Siraj Rajbhar
14. Nandlal Ravidas
15. Baldee Bhuiya
16. Ramprasad Ahir
17. Ram Khelwan Das
18. Gajadhar Rajbhar
19. Tajmulla Mia
20. Ramgulam Ravidas
21. Ramdhanl Ahir
22. Rajkumar Rajbhar
23. Lalbehari Ahir
24. Dasai Kahar
25. Budhiram Ravidas
26. Malku Kurmi
27. Rajeswar Koiri
28. Ram Ashrey Ravidas
29. Ashgarh Mia
30. Rattu Pashi
31. Arjun Gope
32. Rameswar Passman
33. Musse Pasman
34. Kishun Chamar
35. Chalitar Ravidas
36. Ratull Gope

(No. 2/237/60-LRII.)

New Delhi, the 9th October, 1962.

S.O. 3174.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 508, dated the 8th February, 1962,

published in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 17th February, 1962, namely:—

In the Table annexed to the said notification,

(1) for the existing entries 19 to 28, the following entries shall be substituted namely:—

S. No.	Designation of officer	Jurisdiction
1	2	3
19	Commissioner of Labour, Hyderabad	Whole of the State of Andhra Pradesh.
20	Deputy Commissioner of Labour, Hyderabad	Whole of the State of Andhra Pradesh.
21	Special Officer, Evaluation and Implementation, Hyderabad.	Whole of the State of Andhra Pradesh.
22	Assistant Commissioner of Labour, Hyderabad	Whole of the State of Andhra Pradesh.
23	Regional Assistant Commissioner of Labour, Hyderabad.	Hyderabad city and District Medak, Nizamabad, Warangal, Mahboobnagar, Karimnagar, Adilabad, Nalgonda and Kurnool Districts in the State of Andhra Pradesh.
24	Regional Assistant Commissioner of Labour, Guntur	Krishna, Guntur, Nellore, Chittoor, Cuddapah and Ananthapur Districts in the State of Andhra Pradesh.
25	Regional Assistant Commissioner of Labour, Visakhapatnam.	Visakhapatnam, Srikakulam, East Godavari, West Godavari and Khammam Districts in the State of Andhra Pradesh.
26	Labour Officer, Karimnagar	Karimnagar District, Asifabad Division of Adilabad District in the State of Andhra Pradesh.
27	Labour Officer, Kurnool	Kurnool and Mahboobnagar in the State of Andhra Pradesh.
28	Labour Officer, Guntur	Guntur (District) and area covered by Nagarjunasagar Project in Nalgonda District in the State of Andhra Pradesh.

(2) entries 29 to 32 shall be omitted.

[No. 22/15/62-LRII].

S.O. 3175.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33-A, of the said Act from (1) Gouri Dusadhin, (2) Maya Dusadhin, (3) Debjani Dusadhin, (4) Jiria Bhuni, (5) Bhagia Bhuni, (6) Kablasia Bhuni, (7) Budhni Bhuni, Shalepickers c/o. Indian Mine Workers Federation.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD:

COMPLAINT No. 3 OF 1961

(ARISING OUT OF REF. NO. 52 OF 1960).

In the matter of a Complaint under Section 33-A, of Industrial Disputes Act, 1947.

Parties:

1. Gouri Dusadhin—Shalepicker.
2. Maya Dusadhin—Shalepicker.
3. Debjani Dusadhin—Shalepicker.

4. Jiria Bhuni—Shalepicker.

5. Bhagia Bhuni—Shalepicker.

6. Kablasia Bhuni—Shalepicker.

7. Budhni Bhuni—Shalepicker.

C/o. Indian Mine Workers Federation, (Near Mack and Co.), Dhanbad.—
Complainants.

VERSUS.

The Manager, Bhalgora Colliery, P.O. Jharia, Dhanbad.—*Opposite Party.*

Present:—

Shri Raj Kishore Prasad, M.A., B.L.,—*Presiding Officer.*

Dhanbad, dated the 29th September, 1962

STATE: Bihar.

INDUSTRY: Coal.

AWARD

1. This is a Complaint, under Section 33-A, of the Industrial Disputes Act, 1947, (XIV of 47), made by seven Complainants against their dismissal in contravention of the Proviso to Section 33(2) (b) of the Act, by the management.

2. After this Complaint was filed, Shri Pursant Burman, General Secretary, Bihar Koyala Mazdoor Sabha representing the Complainants, filed a petition on the 27th September, 1962, on behalf of the Complainants, stating that the subject matter of this Complaint has already been decided by the Tribunal in Award dated 22nd August, 1961, in Reference No. 17 of 1961, and, therefore, this Complaint was sought to be withdrawn.

3. In the circumstances, the Complaint is allowed to be withdrawn, and, as such, it is dismissed as withdrawn.

4. The Award in term of this petition, which will form, a part of this award, and is marked Annexure "A" is made.

RAJ KISHORE PRASAD,
Presiding Officer.

ANNEXURE—"A".

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of Application No. 3 of 1961.

(ARISING OUT OF REF. NO. 52 OF 1960.)

Parties:

Gouri Dusadhin and 6 others, Shalepickers.—*Applicants.*

VERSUS

The Manager, Bhalgora Colliery.—*Opp. Party.*

Petition for Withdrawal.

The humble petitioner begs to state most respectfully on behalf of the applicants;

That the subject matter of complaint in the above application has already been decided by the Hon'ble Tribunal in the award dated 22nd August, 1961, on the dispute of Ref. No. 17 of 1961.

That the humble petitioner, on behalf of the applicants, therefore, begs to withdraw the above application.

And for this the petitioner shall ever pray.

(Sd.) PURSANT BURMAN, 27-9-62.

For & on behalf of the Applicants.

DATED, DHANBAD:

The 27th September, 1962.

S.O. 3176.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33-A, of the said Act, from Shri Ranjit Mistry, Carpenter c/o. Indian Mine Workers Federation.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

Complaint No. 1 of 1961.

(ARISING OUT OF REF. No. 52 OF 1961).

In the matter of a Complaint under Section 33-A, of Industrial Disputes Act, 1947.

Parties:

Shri Ranjit Mistry, Carpenter, C/o. Indian Mine Workers Federation, Dhanbad (Near Mack and Co.).—*Complainant.*

VERSUS

The Manager Bhalgora Colliery, P.O. Jharia, Dhanbad.—*Opposite Party.*

Present:—

Shri Raj Kishore Prasad, M.A., B.L.,—*Presiding Officer.*

Dhanbad, dated the 29th September, 1962.

STATE: Bihar.

INDUSTRY: Coal.

AWARD

1. This is a Complaint, under Section 33-A, of the Industrial Disputes Act, 1947 (XIV of 47), made by Ranjit Mistry against his dismissal in contravention of the Proviso to Section 33(2) (b) of the Act, by the management.

2. After this Complaint was filed, Shri Pursant Buman, General Secretary, Bihar Koyala Mazdoor Sabha representing the Complainant, filed a petition on the 27th September, 1962, on behalf of the Complainant, stating that the subject matter of this Complaint has already been decided by the Tribunal in Award dated 22nd August, 1961, in Reference No. 17 of 1961, and, therefore, this Complaint was sought to be withdrawn.

3. In the circumstances, the Complaint is allowed to be withdrawn, and, as such, it is dismissed as withdrawn.

4. The Award in term of this petition, which will form, a part of this award, and is marked Annexure "A" is made.

Sd./- **RAJ KISHORE PRASAD,**
Presiding Officer.

ANNEXURE—"A"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of Appln. No. 1 of 1961.

ARISING OUT OF REF. No. 52 OF 1960.

Parties:—

Sri Ranjit Mistry, Carpenter—*App.*

VERSUS.

The Manager, Bhalgora Colliery.—*Opp. Party.*

Petition for Withdrawal

The humble petitioner begs to state most respectfully on behalf of the applicant;

That the subject matter of complaint in the above application has already been decided by the Hon'ble Tribunal in the award dated 22nd August, 1961, on the dispute of Ref. No. 17 of 1961.

That the humble petitioner, on behalf of the applicants, therefore begs to withdraw the above application.

And for this the petitioner shall ever pray.

Sd./- PURSANT BURMAN,

27-9-62.

For and on behalf of the Applicant.

DATED, DHANBAD,

The 27th September, 1962.

[No. 2/14/61-LRII.]

New Delhi, the 11th October, 1962.

S.O. 3177.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Mssrs Associated Cement Companies Limited and their workmen employed in the Kymore Limestone Quarries.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT-17 of 1962.

Employers in relation to M/s. Associated Cement Companies Limited

AND

Their workmen employed in the Kymore Limestone Quarry.

PRESENT:

Shri Salim M. Merchant,—*Presiding Officer.*

For the Employers.—Shri R. J. Kolah, Advocate with Shri V. B. Kher and Shri D. S. Dighe, Senior Personnel Officers and Shri Mathur, Personnel Officer, Kymore Cement Works.

For the Workmen.—Shri K. B. Chougule, Assistant Secretary, Indian National Mine Workers' Federation and Secretary, Kymore Quarry Karamchari Sangh with Shri G. C. Jaiswal, Member, Working Committee, Indian National Mine Workers' Federation.

STATE: Madhya Pradesh.

INDUSTRY: Lime Stone Quarrying.

Dated, Bombay 29th September, 1962

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 22/12/62-LRII, dated 29th June, 1962, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (Act XIV of 1947), was pleased to refer for adjudication to me the industrial dispute between the parties above-named, on the question whether the classification and fitment of the 155 workmen named and designated in the schedule to the order of reference, employed in the Kymore Limestone Quarries of Mssrs. Associated Cement Companies Ltd., in their respective grades are proper in terms of their respective occupations and norms laid down in the Report of the Central Wage Board for the Cement Industry, 1959; if not, in what other grade each such workman should be classified and fitted and from what date.

2. After the reference was made Shri K. B. Chougule filed the statement of claim dated 10th August, 1962, on behalf of the workmen and the Company filed a preliminary written statement dated 3rd September, 1962, in which it raised preliminary objections to the maintainability of the reference and the jurisdiction of this Tribunal to adjudicate on the same. As the preliminary objections raised by the company go to the root of the matter, I fixed the dispute for hearing at Bombay on 17th September, 1962, when Shri Chougule filed his re-joinder to the

written statement of the company. The company then applied for time to consider the rejoinder and to rely to it, and after it filed its reply dated 19th September, 1962, the submissions of the parties on the company's preliminary objection as to the validity of the reference and the competence of the Tribunal to hear this dispute were heard on 20th September, 1962.

3. Before stating the preliminary legal objections urged by the company it is necessary to state that the Central Government by the Ministry of Labour and Employment's Order dated 25th May, 1961, had referred an earlier industrial dispute between the company and its employees in the Kymore Limestone Quarry to this Tribunal and that reference was numbered as Reference No. CGIT-18, of 1961. The subject matter of that dispute as stated in the schedule to the Government order of reference dated 15th May, 1961, was as follows:—

SCHEDULE.

"Whether the existing classification and placing therein of the following categories of workmen in the Kymore Limestone Quarry of Messrs. Associated Cement Companies Ltd., are proper in terms of their occupations and the standard laid down in the report of the Wage Board for the cement industry; if not what should be the proper classification and placing and to what other relief they are entitled."

Then followed the list of 34 categories in respect of whose classification and placing that dispute had been raised.

4. In that dispute the company raised a preliminary objection to the maintainability of that dispute and to the jurisdiction of the Tribunal to adjudicate on it on the ground that the dispute with regard to classification and workmen in 18 of the 34 categories under reference was not maintainable and classification categorywise was not permitted in terms of their occupations and standards laid down in the Report of the Wage Board for the Cement Industry and that such classification could only be in respect of individual operatives and that as the dispute was not in respect of individual operatives, the Tribunal had no jurisdiction to entertain the dispute. Considering the language of para 13:10. 1 of the scheme on which the Wage Board had formulated its recommendations, by my order dated 20th January, 1962, I held that a dispute with regard to classification could only be raised in respect of individual operatives and not in respect of designation/occupations/categories. I, therefore, upheld the Company's preliminary objections in respect of 18 out of the 34 categories. I also upheld the company's objection regarding the validity of the order of reference in respect of certain others of the 34 categories and as the union gave up its demand with regard to certain remaining categories, my award dated 23rd April, 1962, in that dispute related to the categorisation of only 4 categories which had thus survived. (See Award dated 23rd April, 1962, in Reference No. CGIT-18, of 1961, published in the Government of India Gazette, Part II, Section 3(ii) dated 5th May, 1962, pp. 1565 to 1577).

5. The Union, then appears to have raised an industrial dispute with regard to the proper classification and categorisation of the 155 workmen named in the schedule to the order of reference to this dispute, and after the dispute was referred to conciliation and conciliation proceedings had failed, Government made this reference by order dated 29th June, 1962.

6. (a) Now, the first preliminary objection of the company to the instant reference is that the present order of reference is a fresh reference merely in name; that this—reference to use of the language of the company's written statement—"actually and in effect tantamounts only to changing the phraseology of the dispute adjudicated before by this Tribunal in respect of which the previous award is in force." In other words the first objection is that the present order seeks only to re-refer by a mere change in phraseology an earlier dispute already adjudicated upon by this Tribunal.

(b) The second objection urged is that in several cases the grades demanded by the union are not applicable to the designation in question and in its preliminary statement the company has given instances of such grades. It has, therefore, argued that the demand is not in respect of individuals, but is for re-classification of the occupations; that the Tribunal would not be able to grant higher grade in respect of any occupation/designation/category, as the reference is—again to use the language of the company's written statement—"palpably for fitment of individual workmen."

(c) without prejudice, the third objection urged is that the present is a demand for wholesale promotion in guise of classification and that as promotion is a managerial function, this Tribunal cannot and should not interfere in an essentially managerial sphere. It has in support relied upon the award of Shri Maher, President of the Industrial Court, Bombay reported at (1957 I.C.R. p. 1440 at page 1450).

7. Shri K. B. Chougule in his rejoinder dated 17th September, 1962, has contended that the company has filed this preliminary objection only with a view to delay these proceedings which allegation the company in its reply dated 19th September, 1962, has refuted. With regard to the company's preliminary objections, Shri Chougule has referred to para 5 of the company's written statement in the earlier reference No. 18 of 1961, where the company had argued that under the directions of the Cement Wage Board in para 13.10.1. of its Report, the disputes with regard to classification could not be raised, categorywise but could be raised in the case of individual operatives. He has relied up the following passage in para 5 of the company's written statement:—

"It is true that here again the workmen are given the right to resort to the machinery provided under the Industrial Disputes Act, if they are dissatisfied by the classification in the case of any operative. The company begs to point out that this dissatisfaction must relate to the individual operatives and not to occupations. The question of individual operatives is not before the Hon'ble Tribunal in this reference and therefore, it is submitted that the Hon'ble Tribunal cannot and has no jurisdiction to adjudicate on this part of the demand."

Relying upon this position taken up by the company in the earlier reference Shri Chougule has contended that it was not now open to the company to turn round again and claim that even under the present reference the cases cannot be heard. He has further contended that under the present reference what the Tribunal has to see is whether, in the first place, the classification into grades is proper and secondly whether the fitment of the workmen is proper in terms of their respective occupations and the norms laid down in the report of the Cement Wage Board and if the Tribunal finds the classification and/or fitment of any of the workmen named in the schedule is not proper, then this Tribunal has to classify each workman whose name has been listed in the schedule into an appropriate grade. The norms as laid down by the Wage Board are skill, suitability and experience; that the workmen in the quarries, according to the company had been classified sometime in 1957 and the company had not specified any principle that was applied at that time; that at that time there was no union of the quarry workers and therefore whatever was done for the Cement factory, workers was applied for the quarry workers without considering that the work in the quarry was more strenuous, hazardous and risky than in the factories; that there has been a great change in the type of machinery used and there has been a considerable increase in its production; that there has been a reduction in the number of workers employed in the quarries which has increased the responsibility and workload of the worker.

8. The company in its reply dated 19th September, 1962 to this rejoinder of Shri Chougule has denied the interpretation sought to be placed by the union on para 5 of its written statement in the earlier dispute. The company has denied that other statements contained in Shri Chougule's rejoinder and with regard to the categorisation of the workmen of the quarry in 1957, it has stated that the company had entered into bilateral agreements with the workers' unions at its factories and quarries all over India in 1957/58 and the same grades had been applied to both the factory and quarry workers. It has stated that this showed that there was no substance in the union's statement that the quarry workers has to do more strenuous, hazardous and risky work than the factory workers; that in Kymore the common union of the cement and quarry workers had accepted the same grade for both the quarry and the factory. It denies that there has been any great change in the method of work in the quarries since the agreement of 1957 and it has stated that practically all mechanisation was completed by that time.

9. I am of the opinion that the preliminary objection raised by the company go to the root of the matter and I am, therefore, giving my ruling thereon without having heard the parties on the merits.

10. It is necessary to state at the very outset the important and vital fact that it is admitted that the total number of daily rated employed in the company's quarries is about 201, out of whom the union has raised the dispute regarding proper categorisation of 155 workmen named in the schedule to the present order of reference. The remaining about 45 are admittedly 31 unskilled workmen of

the category of mazdoors who fall in the lowest grade E and there are 14 who fall in the highest grade A—the Cement Wage Board having classified the workmen in the Cement Industry into 5 grades of pay A to E on the pattern existing in this company. Thus, it is clear that the present dispute has been raised with regard to almost all the workmen of the quarries who are in the grades between B to D and the demand is that each one of them should be up-graded to one or the other higher grade. Apart from discrepancies pointed out by the company in the unions statement, it is clear that the demand under reference, over which this industrial dispute has been raised, is for wholesale promotion of workers into higher grades. By my order dated 20th January, 1962, in the earlier reference I held that a demand for up-grading of workmen categorywise was not competent under the recommendations of the Cement Wage Board as contained in Para 13.10.1 of its report as what that paragraph had contemplated was the raising of a dispute with regarding to proper classification of individual operatives into the 6 categories prescribed by it. The Cement Wage Board in para 13.10.1 of its Report has stated and directed as follows:—

“Operatives who are already classified in grade A, B, C, D and E should be put into new A, B, C, D and E grades respectively. This should not be taken to preclude the union concerned from resorting to the machinery provided by the Industrial Disputes Act, if it is dissatisfied by the classification in the case of any operative. Operatives, who are not at present classified in this manner should be fitted into the new grades on the basis of skill, suitability and experience. This should be done by the employers after consulting the union, within three months of our recommendations coming into effect and should have retrospective effect. If the union is dissatisfied, the matter may be settled by arbitration provided the two parties agree on a joint nomination of an arbitrator. Failing this, the machinery provided by the Industrial Disputes Act, would be available.”

Reading this direction as a whole, I am satisfied that it contemplates disputes over the classification into the appropriate grade of individual workmen; it does not contemplate disputes with regard to classification categorywise and that is the reason why I upheld the company's preliminary objection against the maintainability of the earlier reference—Reference No. CGIT-18 of 1961. Shri Kolah has argued that the present reference is, but for change in phraseology, the same dispute as the earlier dispute because in asking for re-classification of 155 workmen out of about 200 employed in the quarries, in effect the union is asking for re-classification categorywise. I am of the opinion that there is substance in this contention of Shri Kolah. By merely giving the names and categories of the 155 workmen the maximum possible member for whom the dispute with regard to categorisation could possibly be raised—(or the remaining 46—31 being admittedly mazdoors who could not possibly be classified in any other higher grade except grade E for unskilled workman—and 14 are in grade A—for whom a higher grade could not possibly be claimed as that is the highest grade prescribed by the Cement Wage Board)—the dispute has in my opinion not ceased to be a dispute over classification by categorisation. What was contemplated by para 13.10.1 of the Cement Wage Board was a dispute about proper categorisation of individual operatives based on his experience, skill and suitability—not a dispute for wholesale stepping up into higher grades. Shri Kolah has rightly pointed out that in the written statement of the union the claim for higher categorisation is not based on the individual operatives experience, skill and suitability—but has been based on the skill and hazard of the particular occupation. I am, therefore, of the opinion that the present demand cannot be regarded as a dispute for classification of individual operatives into higher grades but is virtually the same demand as made in the last reference—Reference No. 18 of 1961—for classification of the workers of the Kymore Quarry, categorywise by a change in phraseology. It is now well settled law that a change in phraseology does not create a fresh dispute and that a dispute once decided cannot be re-referred by merely making a change in the phraseology employed [XIII F.J.R. p. 352 and A.I.R. 1957 (S.C.) p. 354]. I, therefore, uphold the first preliminary objection urged by the company.

11. With regard to the second preliminary objection in my opinion it involves a mixed question of fact and law and as I have not heard the parties on the merits, it is not possible to decide that contention in this order.

12. With regard to the third objection, urged by the company, I am of the opinion that there is also substance in this contention of the company when in effect wholesale up-raising in categorisation is sought—for almost all the workmen of a particular concern—a strong suggestion is made that it is an attempt at

securing promotion in the guise of re-classification of category. In this connection Shri Kolah has relied upon the award of the learned Industrial Tribunal Shri M. R. Meher reported at 1957 I.C.R. p. 1440-1450, where he has pointed out not only the difficulties but the un-desirability of Tribunal's attempting re-classification of practically all the employees in different categories. It is well settled that promotion is essentially a managerial function and that Tribunals would not stray into that preserved field—because in doing so they may create greater unrest. Shri Meher in his above referred to award has struck a note of warning in this regard in these words:—

"In my opinion what is demanded is in this case involves a wholesale delegation to a Tribunal of an essentially managerial function and is not an industrial dispute amenable to adjudication by a Tribunal."

13. For the reasons stated above I uphold the preliminary objection urged by the company and hold that this reference is not valid and I have therefore no jurisdiction to entertain the same.

14. If the union had selected a few operatives from each category on the basis of their skill, experience and suitability and claimed their re-classification instead of claiming higher category for almost all the workmen of grades B to D—then the dispute would not have attracted the present objection. I cannot help observing, that the union in its anxiety to get something for every worker has not been able to secure anything for anybody. This is unfortunate. However, I do hope that even now the management will, when cases of selected individual operatives are placed for consideration for their classification into higher grades, it will look into them on their merits and not refuse to consider them simply because its legal objection to this reference has been upheld.

No order as to costs.

(Sd.) SALIM M. MERCHANT,

Presiding Officer,

Central Government Industrial Tribunal, Bombay.

[No. 22/12/62-LR'I.]

New Delhi, the 15th October 1962

S.O. 3178.—In pursuance of sub-section (3) of section 22 of the Industrial Disputes Act, 1947 (14 of 1947), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment S.O. No. 2022, dated the 6th August, 1960, the Central Government hereby specifies each of the officers mentioned in column 2 of the Table hereto annexed as the authority for the respective area mentioned in the corresponding entries of column 3 thereof to whom intimation by the employer of any lockout or strike referred to in the said sub-section shall be sent.

THE TABLE

Sl. No.	Designation of Officer	Territorial Jurisdiction
1	2	3
1.	Conciliation Officer (Central) Kanpur	The State of Uttar Pradesh.
2.	Conciliation Officer (Central) Delhi	The State of Punjab and the Union territories of Delhi and Haryana Pradesh and the State of Jammu and Kashmir in relation to industrial disputes concerning workmen employed under the Government of India.
3.	Conciliation Officer (Central) Calcutta.	The State of West Bengal.
4.	Conciliation Officer (Central) Asansol.	
5.	Conciliation Officer (Central) Shillong.	The State of Assam and the Union territories of Tripura and Manipur.

			20,	28,	
1	2	3			
6. Conciliation Officer (Central) Dhanbad.		} The State of Bihar.			
7. Conciliation Officer (Central) Hazzari bagh .					
8. Conciliation Officer (Central) Jharsugudah .		The State of Orissa.			
9. Conciliation Officer (Central) Jabalpur .		The State of Madhya Pradesh			
10. Conciliation Officer (Central) Ajmer .		The State of Rajasthan.			
11. Conciliation Officer (Central) Bombay .		The States of Maharashtra and Gujarat			
12. Conciliation Officer (Central) Madras.		The States of Madras and Mysore			
13. Conciliation Officer (Central) Secunderabad.		The State of Andhra Pradesh.			
14. Conciliation Officer (Central) Ernakulam .		The State of Kerala.			

[No. 1/65/62-II-LR.I]

New Delhi, the 16th October, 1962.

S.O. 3179.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33-A, of the said Act from Shri Abid Khan, Watchman, Loyabad Colliery Workshop, c/o. Loyabad Labour Union, P.O. Bansjora, District Dhanbad.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

COMPLAINT NO. 5 OF 1961—ARISING OUT OF REFERENCE NO. 56 OF 1960.

In the matter of a complaint under Section 33-A, of Industrial Disputes Act, 1947, (XIV of 47).

PARTIES:

Abid Khan, Watchman, Loyabad Colliery Workshop c/o. Loyabad Labour Union, P.O. Bansjora, Dt., Dhanbad.—*Complainant.*

Vs.

1. Manager, Loyabad Colliery Workshop, P.O. Bansjora. Dt. Dhanbad.
2. Chief Mining Engineer, M/s Bird and Co, (P) Ltd., P.O. Sijua Dt., Dhanbad.—*Opposite parties.*

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.—*Presiding Officer.*

APPEARANCES:

For the Complainant:

Shri Lalit Burman, General Secretary, Loyabad Labour Union.

For the Management Opposite party:—Shri S. S. Mukherjea, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 29th September, 1962.

AWARD.

This is a complaint under Section 33-A, of the Industrial Disputes Act, 1947—hereinafter referred to as the Act—made by Abid Khan, Watchman, in Loyabad Colliery Workshop, through the Loyabad Labour Union, in Reference No. 56 of 1960, against his dismissal from service by the management.

2. Complainant's case is that he was in service of the company since 1942, but was charge sheeted on 12th December, 1960, to which he replied on 15th December, 1960, and later an inquiry was held on 20th December, 1960, in his presence and the charge against him was alleged to have been proved, and therefore, he was dismissed from 25th January, 1961.

His further case is that at that time an industrial dispute between the management and its workmen was pending in Reference No. 56 of 1960 before this Tribunal, but without complying with the provisions of Section 33 of the Act, the management dismissed the complainant, and, therefore, the present complaint under Section 33A of the Act was made on 11th May, 1961.

3. The management opposite party filed its written statement on 22nd July, 1961, in which it was said that the company had not contravened any of the provisions of Section 33 of the Act, because the applicant, namely, the complainant was neither directly nor even remotely connected with or interested in Reference No. 56 of 1960. It was, further, said that the complainant was a 'watchman' and he was appointed as such at the company's workshop on 11th April, 1944, but on 10th December, 1960, he left his duty as a watchman without permission and later he was searched for and not found till after 15 minutes, and, therefore, he was charge sheeted and a departmental enquiry was held in his presence at which his misconduct was established, and, consequently, he was dismissed from 25th January, 1961, by a letter of that date (Annexure C to the company's written statement.)

4. Shri Mukherjee, Advocate, who appeared for the management, raised a preliminary objection that the complaint made by the complainant under Section 33A was not maintainable, because he was not a "workman concerned in the dispute" which was pending in Reference No. 56 of 1960 before this Tribunal.

In support of his objection, Shri Mukherjee relied upon a Bench decision of the Patna High Court in *Khagesh Sarkar Vs. Tatanagar Foundry Co. Ltd.*, Jamshepur, A.I.R. 1961 Patna 420 (1961-62) 21 F.J.R. 375, in which two decisions of the Supreme Court in *Associated Cement Companies Limited, Porbandar Vs. Their workmen*, A.I.R. 1960 Supreme Court 777-1960-3 S.C. R/157, and, *New India Motors (P) Ltd., New Delhi Vs. K. T. Morris*, A.I.R. 1960 S.C. 875-1960-3 S.C.R. 350-1961-I.L.L.J. 551, were also referred to.

5. In reply, Shri Lalit Burman, General Secretary, Loyabad Labour Union, appearing for the complainant, contended that the complainant, in the present case, was "a workman concerned in the dispute" which was pending in Reference No. 56 of 1960, in as much as, that reference was in respect of an industrial dispute which existed between employers of Loyabad Colliery Workshop, the opposite party, and their workmen, and, the complainant, an admitted employee of the said workshop, and, Halim Khan and T. N. Chatterjee, also employees of the said workshop, who were concerned in Reference No. 56 of 1960, were all members of the same Union and were and are represented by the same Union, namely, Loyabad Labour Union, and, therefore, the complainant was a workman concerned in the said dispute within the meaning of Section 33(2), and, as such, there being an admitted contravention of the proviso to Section 33(2)(b), in as much as, no approval of the Tribunal for the dismissal of the complainant had been obtained by the management during the pendency of the aforesaid reference, the complainant had the right to make the present complaint.

In support of his contention, Shri Burman strongly relied on the decision of the Supreme Court in *New India Motors (P) Ltd. Vs. K. T. Morris*, 1960-3 S.C.R. 350-1960 I.L.L.J. 551 and submitted further that the decision of the Patna High Court in A.I.R. 1961 Patna 420, referred to before and relied upon by Shri Mukherjee, had no application to the present case in as much as, in that case, the complainants were not represented by the same Union, nor were they members of the Workers' Union, at whose instance the dispute was referred for adjudication in Reference No. 5 of 1958 and there was nothing to show that the Mazdoor Union of which they were members ever took up the cause of the workmen directly concerned in the dispute, but, here, the complainant as well as the two workmen concerned in the dispute in Reference No. 56 of 1960 were members of the same Union which represented the workmen who were concerned in the industrial dispute pending in Reference No. 5 of 1958.

6. On the arguments presented before the Tribunal, therefore, the crucial question, for determination, is, whether the complainant, Abid Khan, was "a workman concerned" in the main dispute, within the meaning of sub-section (2) of Section 33 of the Act?

7. Let us, therefore, first ascertain the nature of the dispute pending in the instant case in Reference No. 56 of 1960.

Reference No. 56 of 1960 was made under Section 10(1)(d) of the Act by the Central Government on 14th December, 1960. The Reference, so far as is material, reads thus:

“Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Loyabad Colliery Workshop and their workmen in respect of the matter specified in the schedule hereto annexed:

SCHEDULE

Having regard to the nature of duties performed by S Shri Halim Khan and T. N. Chatterjee, Electricians, of Loyabad Colliery Workshop, in which category they should be placed with effect from the 1st May, 1959, under the Award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal.”

From the above quoted item of dispute, referred to under Section 10(1)(d) for adjudication to the Tribunal, therefore, it is plain that the dispute in the said reference was in respect of Halim Khan and T. N. Chatterjee, who were electricians of the Loyabad Colliery Workshop, and, with regard to the category in which they should be placed with effect from 1st May, 1959 under the Award, known as Coal Award, referred to in the Schedule above reproduced.

8. In the instant case, the complainant is a watchman in the Loyabad Colliery Workshop, and the dispute is about his dismissal, and, there is no question, here, with regard to the category in which he should be placed, like the two electricians, either along with them or in the same category, which was the main dispute in Reference No. 56 of 1960. *Prima facie*, therefore there is no doubt that the dispute, which was pending in Reference No. 56 of 1960 was entirely different in its nature and scope from the dispute which is pending now before this Tribunal, and, as such, the dispute pending in Reference 56 of 1960 can with no stretch of imagination even be said to include the complainant or his dispute with the company, and, as such, the complainant, here, cannot be considered to be ‘a workman concerned in such dispute’, within the meaning of sub-section (2) of Section 33 of the Act.

9. It is true that in *New India Motors (P) Limited Vs. K. T. Morris*, 1961—ILLJ 551 (*supra*), His Lordship Gajendragadkar, J., who pronounced the unanimous decision of the Supreme Court, at page 554, rejected the limited construction, which was sought to be placed on the expression “workmen concerned in such dispute”, as being limited only to those workmen directly or actually concerned in such dispute, and, held that, “that expression included all workmen on whose behalf the dispute has been raised as well as those who would be bound by the award which was made in the said dispute.” But, in my opinion, that case has no application to the facts of the present case. In that case the employee K. T. Morris, who was respondent before the Supreme Court, as well as the seven employees, whose case was referred and was pending before the Tribunal, were all working as apprentices in the service of the same company, and, therefore, obviously all the eight persons, namely, Morris and the seven employees, belonged to the same class and category of workmen and the seven employees of the company were acting collectively and the dispute was raised on behalf of all workmen working as apprentices, and, as such, there was a dispute between the employer, on the one hand, and, his said employees acting collectively, on the other. The award made in that reference bound larger circle of persons than the actual parties to the industrial dispute. Here, however, on the admitted facts, the complainant is a watchman of the Workshop, where the two employees, who were concerned in the main dispute in Reference No. 56 of 1960, were electricians, with whom the present complainant had nothing to do, and the nature or scope of his employment is quite different from theirs.

10. In this connection, I may refer to a recent decision of the Supreme Court, dated 18th July 1962 in the *Management of Digwadih Colliery Vs. Ramjee Singh*, Civil Appeal No. 393 of 1961, against the award, dated 25th August 1960 made by my predecessor, late Shri G. Palit, relying on the just mentioned Supreme Court Decision in *New India Motors (P) Ltd. (supra)*, in application No. 4 of 1960, arising out of Reference No. 60 of 1959, which has not yet been reported. The judgment in this case also was delivered by His Lordship Gajendragadkar, J. In that appeal, the dispute in Reference No. 60 of 1959 was on behalf of the Chaprasis and watchmen of Jamadoba and Digwadih collieries for withdrawal of their overtime wages, and, the complainant in Application No. 4 of

1960 arising out of the said Reference No. 60 of 1959, was a clerk, Grade III, and, as this Tribunal, presided over by the late Shri G. Palit, had not mentioned about the nature of the dispute pending in Reference No. 60 of 1959, nor, the complainant in that case had made any averment about the nature of this dispute, the order of this Tribunal allowing the application of the complainant under Section 33A of the Act was set aside and the application under Section 33A of the Act made by the complainant was dismissed.

11. In the *Patna* case, relied upon on behalf of the management, a similar question was raised. It is true that in that case the fact that the workmen concerned in the dispute in the reference, were represented by one Union, whereas, the petitioners before the High Court were represented by another Union, of which the previous employees were not members, was also taken into consideration, but that, in my opinion, is no ground for holding that that decision does not apply here.

12. In the *Patna* case, it was laid down that the principles to be borne in mind for deciding the question whether a workman is concerned in the dispute under adjudication, which is a mixed question of fact and law, are to find out (i) the nature of the dispute under adjudication, (ii) the effect of its decision on the rest of the workmen, and, (iii) the nature of the representation of the workmen in the dispute. Applying these principles here, we find that the dispute which was pending in Reference No. 56 of 1960 was entirely different, as stated earlier, from the present dispute and the two disputes had no connection or likeness at all and the decision in that reference could not possibly bind the watchmen, like the complainant, as the award therein was binding only on the electricians who belonged to that category. The fact that the same Union which represented the two electricians in the reference is also representing, the watchman, here, is not alone the decisive factor although it is one of the essentials to be taken into consideration along with others. In my opinion, therefore, the *Patna* case applies here.

13. It is also true that the reference in Reference No. 56 of 1960 was made with regard to the dispute between the company on the one hand and the workmen on the other so as to give it the characteristic of a collective dispute; on behalf of the workmen, but the fact remains that it was not such a dispute in which any principle which might be applicable to all the workmen in general, irrespective of the category or class to which they belonged or the duties which they performed, including the complainant here, was involved, and, therefore, Reference No. 56 of 1960 cannot be considered to be an industrial dispute not only between the company and the two electricians, who were parties to it, but also between the company and the present complainant, a watchman, who was not a party to it expressly or impliedly.

14. My attention was also drawn to an Award, dated 14th August 1962 made by my predecessor, Shri Merchant, in Application No. 196 of 1960, arising out of Reference No. 27 of 1960, in which he held following the *Patna* case (*supra*) that the complainant, in that case, who was a scrapper *khulasi* in the Loyabad Ropeway, was not a workman concerned in the dispute pending adjudication in Reference No. 27 of 1960, made by the Government of India under Section 36A of the Act, in which the item of dispute was as to "whether a 'traffic' is to be placed in Grade II of the clerical grade in terms of the said award" meaning. The All India Industrial Tribunal (Colliery Disputes) Award. Respectfully, I express my cordial assent to the above view of my predecessor, Shri Merchant.

15. For the reasons given above, my considered opinion, therefore, is that the complainant, Abid Khan, is not a workman concerned in the dispute which was pending in Reference 56 of 1960 within the meaning of sub-section (2) of Section 33 of the Act. If the complainant is not a workman concerned in such dispute within the meaning of Section 33(2), Section 33 does not apply, and, therefore, there can be no contravention of it, and, as such, no complaint under Section 33A can be made by such a workman. The present complaint under Section 33A of the Act by the complainant, therefore, is not maintainable, and, is, accordingly, dismissed. In the circumstances of the case, there will be no order for costs. Award is made accordingly.

Sd./ RAJ KISHORE PRASAD,

Presiding Officer,

Central Government Industrial Tribunal,
Dhanbad.

DHANBAD;
The 29th September, 1962.

[No. 2208/60-LRII.]

S.O. 3180.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Patna, in the industrial dispute between the employers in relation to the Diamond Tetturia Colliery and their workmen.

BEFORE SHRI H. K. CHAUDHURI, PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL, PATNA

Reference No. 16/C of 1962

Employers in relation to the Diamond Tetturia Colliery and their workmen.

For the Employers—None.

For the Workmen.—Shri Shankar Bose, Member, Central Executive Committee, Colliery Mazdoor Sangh, Dhanbad.

AWARD

Dated the 4th October, 1962.

The Government of India, Ministry of Labour and Employment, has referred this industrial dispute between the employers in relation to the Diamond Tetturia Colliery and their workmen to this Tribunal for adjudication under Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947). The specific matter in dispute as set out in the notification dated the 28th April, 1962 is given below:—

“whether the management of Diamond Tetturia Colliery was justified in rendering Shri Ram Murat Pandey, office peon, idle from the 17th February, 1962? If not, to what relief is the workman entitled?”

2. Shri Ram Murat Pandey, the workman concerned in this dispute, was employed as an office peon in the Diamond Tetturia Colliery since 1948. It is alleged that on 17th February, 1962 he was rendered idle by the management without any notice or without any valid reason. The matter was represented before the Conciliation Officer (Central) Dhanbad on the 10th March, 1962. The management, however, did not attend the conciliation proceedings and eventually the dispute was referred to this Tribunal. The union contends that the action of the management in terminating the services of the workman, who was a permanent employee, was illegal and unjustified. It is alleged that the management took this extra-ordinary step as it was annoyed with the workman because of his having given evidence before the Labour Inspector (Central), Bagmara, when the latter visited the colliery to enquire into certain irregularities committed by the management, such as, non-payment of monthly wages, bonus, arrear instalments, annual increments, etc.

3. In spite of notices and several opportunities granted to the management it did not file any written statement and ultimately the case was heard *ex parte*. The workman in question examined himself in support of his case. It would appear from his evidence that he was working in this colliery as an office peon for the last 14 years. On 14th February, 1962 the Labour Inspector (Central) came to the colliery to make an enquiry into certain complaints against the management. In that enquiry this workman gave evidence before the Labour Inspector disclosing all the irregularities alleged against the management. The evidence of the witness further shows that as a result of the enquiry of the Labour Inspector the company was prosecuted. On 17th February, 1962, that is to say, only three days after the aforesaid incident the management suddenly rendered him idle.

4. There is nothing on the record to show that any charge-sheet was issued to the workman or any enquiry was held before he was discharged. On the contrary the fact that immediately before the discharge he had given evidence before the authorities against the management resulting in the latter's prosecution amply justifies the inference that the company punished him because he had the temerity to represent the grievances of the workmen before the Labour Inspector. It is therefore a clear case of victimisation and the action of the management is *male fide*. The workman is entitled to reinstatement with effect from the 17th February, 1962 on which date he was rendered idle.

5. I direct that the workman be reinstated with all arrears of wages and other usual benefits to which he is entitled with effect from the 17th February, 1962.

6. I give my award accordingly. As the case was heard *ex parte* there will be no order as to costs.

H. K. CHAUDHURY,

Presiding Officer,

Central Govt. Industrial Tribunal, Patna.

4-10-62.

Recorded at my dictation

& corrected by me.

H. K. CHAUDHURY

P.O., Central Govt. I.T., Patna,

4-10-62.

[No. 2/36/62-LRII.]

ORDERS

New Delhi, the 9th October, 1962.

S.O. 3181.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sitasaongi Mine of Central Provinces Manganese Ore Company and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7-A, of the said Act.

SCHEDULE

Whether the action of the management of Sitasaongi Mine of Central Provinces Manganese Ore Co., in terminating the services of Shrimati Bhagwati w/o Tulsiram was justified? If not, to what relief the worker is entitled?

[No. 21/17/62-RLII.]

S.O. 3182.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Rajmahal Quartz Sand and Kaolin Company, Rajmahal, Santhal Parganas and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the present rates of wages paid to the (i) daily rated workers, (ii) monthly paid staff, and (iii) wagon loaders, working in the mines of Messrs Rajmahal Quartz Sand and Kaolin Company, Post Office Rajmahal, Santhal Parganas are reasonable, and if not what should be the revised rates of wages of these workmen?

[No. 22/24/62-LRII.]

New Delhi, the 10th October 1962

S.O. 3183.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singhbhum Chromite Company Limited (Roro and Karkatakuti Chromite Mines), Chaibasa and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the Singhbhum Chromite Mazdoor Union, Chaibasa, for the payment of annual bonus to the workmen of Singhbhum Chromite Company Limited (Roro and Karkatakuti Chromite Mines) for the year 1961 is justified? If so, to what extent.

[No. 5/19/62-LR.II.]

A. L. HANDA, Under Secy.

New Delhi, the 9th October, 1962.

S.O. 3184.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Vulcan Insurance Company Limited, Bombay and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT-14 of 1962

PARTIES:—

Employers in relation to the Vulcan Insurance Company Ltd., Bombay

AND

their workmen.

Present

Shri Salim M. Merchant, *Presiding Officer.*

Bombay, dated 26th September, 1962

APPEARANCES:—

For the employers.—Shri L. C. Joshi, Labour Adviser, Bombay Chamber of Commerce, with Shri D. K. Kerkar, Secretary of the Company and Shri H. K. Joshi, Divisional Manager, Poona.

For the workmen.—Shri P. B. Deshmukh, President of the Vulcan Insurance Co., Ltd., Bombay Staff Union, with Shri N. M. Shukla, Secretary of the Union and Shri G. B. Kulkarni the workman directly concerned in the dispute.

STATE: Maharashtra.

INDUSTRY: General Insurance.

AWARD

The Government of India, by Ministry of Labour and Employment's Order No. 70(1)/62-LRIV, dated 11th June, 1962, made in exercise of the powers conferred by sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) was pleased to refer the industrial dispute between the parties abovementioned in respect of the subject matters specified in the following schedule to the said order to me for adjudication:—

SCHEDULE

- (1) "Whether the various transfers of Shri G. B. Kulkarni made by the company during January, 1959, to November, 1961, without payment of transfer travelling allowance were justified and, if not, to what relief he is entitled to?
- (2) Whether the transfer of Shri Kulkarni from Sangli Branch Office to the Head Office in November, 1961, was justified and, if not, to what relief he is entitled to?

2. After the parties had filed their written statements and I had heard their submissions at length on 25th September, 1962, at my suggestion the parties recorded the following terms of settlement and have prayed that an award be made in terms thereof:—

"Parties are agreed that the management will offer appointment to Shri G. B. Kulkarni in the next vacancy of a general clerk not required

to do accounts work, occurring in any one of the branches of the company at Poona, Sholapur or Sangli on the mofussil clerical grade of pay without reduction in his basic pay."

3. In the facts and circumstances of this case I am satisfied that the terms of settlement are fair and reasonable and I, therefore, make an award in terms of the settlement between the parties as recorded above.

No order as to costs.

Sd./- SALIM M. MERCHANT,

Presiding Officer,

Central Government Industrial Tribunal, Bombay.

[No. 70(1)/62-LRIV.]

S.O. 3185.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the Bombay Port Trust and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
BOMBAY**

Reference No. CGIT-5 of 1962

Employers in relation to the Bombay Port Trust

AND

Their workmen represented by the Bombay Port Trust General Workers' Union.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Bombay: dated 28th September 1962.

APPEARANCES:—

For the employers.—Shri S. D. Nariman, Legal Adviser, 'Bombay Port Trust.

For the workmen.—Shri S. Maitra, General Secretary, B.P.T. General Workers' Union.

State: Maharashtra.

Industry: Ports and Docks.

AWARD

The Government of India, by the Ministry of Labour and Employment's Order No. 28/6/62-LRIV dated 26th February 1962, made in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), upon joint application of the parties dated 20th January 1962, was pleased to refer the industrial dispute between the parties above named in respect of the following subject matters specified in the said order of reference to me for adjudication:—

"Whether the existing system of work for the Shore Crews at Butcher Island under which each shift consists of 8 hours normal duty, 2 hours variable recess and 2 hours overtime needs any modification."

2. After the reference was made the Bombay Port Trust General Workers' Union hereinafter referred to as the Union, filed its written statement of claim on 10th April 1962 to which the Bombay Port Trust filed its reply on 2nd May 1962. Thereafter, on the application of the Bombay Port Trust to which the union consented, I visited the Butcher Island and Pir Pau and inspected the work of berthing tanker at Butcher Island.

3. Before dealing with the dispute on its merits, it is necessary to say that the Port Trust has constructed a Marine Oil Terminal at Butcher Island consisting of three berths only, to provide facilities for large size deep draught oil tankers. In order to appreciate the subject matter of this dispute it is necessary to give a brief account of the system of work by the shore crew at Butcher Island. Since berth No. 2 was put in commission in or about July 1955, the Trustees sanctioned the work at Butcher Island being carried out in two shifts of 12 hours each, of which 8 hours were to be treated as normal working hours, two hours as overtime and two hours recess, the time of the recess being variable—(See annexure A to

the Port Trust's written statement). Similar working arrangements had earlier been sanctioned at the Alexandra and Princes and Victoria Docks. It appears that most of the personnel employed for work at Butcher Island in connection with the bearing and unberthing of oil tankers were recruited by promotion from amongst the existing staff at Alexandra Dock and Prince's and Victoria Docks at their request for transfer to Butcher Island. They had accepted the conditions of work at Butcher Island, one of which was that they would have to stay at Butcher Island. The Bombay Port Trust in its written statement has stated that soon after work commenced at Butcher Island the union began to raise disputes in respect of the conditions of work which the workmen had accepted at Butcher Island and by which acceptance the employees had secured promotions. It appears that one of the demands made by the union was that the conditions of service of the workmen employed in the Butcher Island should be the same as those employed in the Kennery Island Light House. This dispute was referred by the Central Government for adjudication to the Central Government Industrial Tribunal at Calcutta (Shri A. Das Gupta). It appears that the staff at Kennery Island Light House were in receipt of a fixed four hours' overtime every day. Therefore, the demand of the Butcher Island shore crew was that they should also be paid a fixed four hours' overtime daily. One of the grounds urged by the union before Shri A. Das Gupta, the learned Industrial Tribunal, that heard the dispute, was that though at Butcher Island there was a provision for 2 hours recess, such recess in fact was not being given to the workmen. The learned Tribunal in para 61 of its award rejected this demand and observed, "from the evidence of the witness it is clear that the work at the Butcher Island is not so very intensive as is likely to deprive them of the recess period. The witness, Shri Raje, said that even on days on which the workers have no work they get two hours' overtime." It is the case of the Bombay Port Trust that even after this demand was rejected by the Tribunal the union kept up pressure tactics by making various demands which were calculated indirectly to secure more overtime for the workmen. It appears that in May 1959, the Fire Service Personnel at Butcher Island struck work making demands for free transport facilities and demanding that they should not be asked to stay at Butcher Island. The union ultimately dropped the demand for transport of the fire service personnel to the mainland every day and suggested that the fire service personnel as also the shore crew at Butcher Island should be compensated by the grant of an allowance for the extra expenditure which the union claimed the men had to incur by reason of their having to stay at Butcher Island. Though the demand for additional overtime based on the contention that their staying at Butcher Island involved extra expense was rejected by the Tribunal, the Bombay Port Trust appears to have given in and agreed to pay the fire service personnel as well as the other shore crew at Butcher Island, a special compensatory allowance equivalent to overtime wages for a period of 45 minutes. This was on the analogy of the grant of 45 minutes overtime which had previously been sanctioned by the employers to the Oil Pipe Line and Power House Staff at Butcher Island, but who were not provided with quarters on the Island and who were transported daily to and fro Butcher Island. Thus, according to the Bombay Port Trust though the basis for the grant of a similar allowance to the shore crew at Butcher Island was wholly absent, the employers actuated by a desire to earn the goodwill of the workmen, by Resolution No. 713 of 11th August 1959, sanctioned the Butcher Island (Residence) Compensatory Allowance equivalent to overtime amounting to 45 minutes per day calculated at double the rate of pay and allowances with retrospective effect from 1st April 1959. The demand of the union for grant of this allowance with retrospective effect from 14th April 1958 was referred for adjudication to this Tribunal and by my award dated 29th October 1960 I rejected the demand observing, "in the grant of the compensatory allowance the Port Trust adopted not only a fair but a generous attitude."

4. At the time when the union raised this demand for payment of Butcher Island (Residence) Compensatory Allowance retrospectively from 14th April 1958, it also raised a dispute alleging that the existing system of shift working at Butcher Island of the shore crew viz., 12 hours shifts consisting of 8 hours work, two hours overtime and two hours recess, was causing avoidable hardship, inasmuch as the men were not able to enjoy effective recess so as to enable them to take meals at reasonable hours. Thereupon the union by a letter dated 10th March 1960 demanded that the shore crew should either be placed in a shift of straight 12 hours without any recess or straight 10 hours without any recess (See exhibit D to the B.P.T.'s written statement). The matter was taken in conciliation and before the Regional Labour Commissioner an agreement was reached by which the Bombay Port Trust agreed *inter alia* to introduce normal 8 hours shift for the shore crew at Butcher Island as far as possible by 1st June 1960 and the workers agreed that if required by exigencies of work they would have no objection to do overtime work as and when required by the Administration. (See para

3 and 4 of terms of settlement at exhibit E to the B.P.T.'s written statement). The Bombay Port Trust has alleged that the refusal to work the former 12 hours shift system was based on the belief that such refusal would result in facilities to oil tankers for being berthed and unberthed being limited to 16 hours a day, which would cause serious inconvenience to shipping, and would constrain the employers to agree to the persistent demand for 4 hours' overtime. The change over from 12 hours' shift to 8 hours shift was sanctioned by the Trustees at their meeting held on 14th June 1960 after giving notice to the shipping agents concerned of the proposed curtailment in the hours of working at Butcher Island. In the meantime, the union by its letter dated 27th May 1960 demanded that the change over in shift hours should be introduced by 1st June 1960 and they went on strike from 1st June to 7th June 1960. It is the Port Trust's grievance that after the new system was introduced, the union by its letter dated 8th June 1960 took the stand that the workmen would be liable to render overtime work, "only in cases of some emergency or extraordinary circumstances." According to the Bombay Port Trust the workmen did not really want the changed hours of work because soon thereafter they refused to do overtime work and also started arriving at the post of duty 15 minutes after the start of the shift and leaving the post of duty 15 minutes before the close of the shift on the pretext of time being required for changing of clothes etc. Ultimately, the union by its letter dated 27th September 1960 and 7th November 1960 suggested that the employers should revert to the 12 hours working at Butcher Island with 2 hours' variable recess and 2 hours' overtime as before. (See exhibit J to the Port Trust's written statement). The union also demanded that the quantum of the Butcher Island (Residence) Compensatory Allowance should be enhanced and that the allowance should be paid on the basis of a lump sum amount instead of on the basis of 45 minutes' overtime a day. The Trustees by their Resolution No. 883 dated 22nd November 1960 sanctioned reversion to the old system of 12 hours shift for the shore crew at Butcher Island and also acceded to the union's request for increase in the Butcher Island (Residence) Compensatory Allowance.

5. The present dispute has been raised in consequence of certain changes in the system of working at Alexandra Docks introduced by the Bombay Port Trust by the Trustees Resolution No. 604 dated 16th August 1961, under which the shore crew at Alexandra Dock work in shifts of 12 hours of which 8 hours are on ordinary rates, 3 hours fixed overtime and one hour recess. I shall describe and deal with the system of working at the Alexandra Docks a little later when I discuss the submissions of the parties.

6. The union in its statement of claim demands that the present 12 hours shift working, consisting of 8 hours normal duty, two hours variable recess and two hours overtime, should be changed to 8 hours normal duty and 4 hours overtime and if that cannot be done they should be granted the system of work at the Alexandra Docks viz., that each shift should consist of 8 hours normal duty, one hour recess in the middle of the shift and three hours' overtime. The contention of the union, in its written statement, is that the management of the Bombay Port Trust had ensured to the Butcher Island shore crew the same service conditions as those in the Prince's and Victoria Docks and Alexandra Docks. The union has argued that as the pay scales of the shore crew working at Butcher Island as recommended by the Jeejeebhoy Committee are the same as those of the shore crew working at the Alexandra and Prince's and Victoria Docks, their working hours should also be the same. The second ground urged in support of the change in shift working is that under the present system of variable recess at Butcher Island the workmen often miss their meals and that the recess hours are being changed from time to time. They, therefore, want either four hours overtime or three hours overtime and one hour fixed recess. The main ground however on which the change is claimed as stated in the union's written statement is that the burden of work at Butcher Island is so heavy that the present arrangement of variable recess is not proving satisfactory.

7. The union in its written statement of claim in support of its demand has urged that the shore crew at Butcher Island were in fact being overworked; that there were larger number of vessels which these crew had to attend with the result that the shore crew were not even getting sufficient time for their meals. The inspection, however, revealed that actually the reverse position is the fact: that it takes a little more than one hour for one of the biggest tankers that comes to Butcher Island to be moored to the berth. The Bombay Port Trust has filed statements annexures S(1) and S(2) which give particulars of the vessels that came to Butcher Island in the month of June 1962 and the time it took for the shore crew to attend to each of these vessels. The statement shows that in that month the total number of hours, the shore crew of the day shift worked, was

51 hours and 10 minutes and that the number of days on which there was work of berthing and un-berthing of vessels in that month was 21 and there was no work at all for 9 days in the month for the day-shift shore crew. The statement shows that the number of days that the crew went to work at Pir Pau was 6. The statement further shows that the average time the crew worked per day was one hour and 42 minutes only. I may here mention that the statement shows that the time taken on on jobs was one hour and 33 minutes per day and the time taken on off jobs was 57 minutes only. Statement S(2) of the Bombay Port Trust refers to the work of the night shift in June 1962 and it shows that the total number of hours worked during that month was only 30 hours and 10 minutes giving an average working time per day of one hour and 00 minutes only. The statement shows that the number of days the shore crew of the night shift worked was 18 and the number of days on which there was no work at all in the night shift was 12 and the number of days the crew went to work at Pir Pau was one and that the average time taken on on jobs was 1 hour and 27 minutes and on off jobs 59 minutes.

8. Both the above timings include half hour before the off jobs to be in readiness for signing up and 1/2 hour after the on job to enable the crew to complete moorings.

9. Exhibit R to the Bombay Port Trust's written statement shows that during the month of October 1957 there were in all 19 berthings and 17 unberthings operations at Butcher Islands. There were in all 24 in the first shift (midnight to noon) and 12 in the second shift (noon to midnight). An analysis of the statement shows that the total number of days on which one job a day was performed were 13 and the number of days on which more than one job a day was performed were only 10 and that on 8 days in the month no job at all was performed. A similar statement about berthing and unberthing at Pir Pau in October 1957 shows that in that month there were 8 berthings and 7 unberthings and the total number of days on which one job a day was performed was 7, and on which more than one job a day was performed were 4; and the total number of days on which no job was performed were 20. The correctness of these statements have not been challenged but Shri Maitra faintly suggested that these were exceptional months, and that the workers had to work longer hours than the average of less than 2 hours a day shown in these statements. Even so, it would not support Shri Maitra's case that the workmen have to work for anything like even 8 hours in each shift. It was because of the realisation that his case could not possibly succeed on the ground of the shore crew at Butcher Island having to do heavy and overtime work that Shri Maitra shifted his ground and at the hearing argued that the test should not be the number of actual hours the shore crew were required to work but the fact that the shore crew were required to be on duty for all the 12 hours in the shift should be taken into account. I am not impressed by this argument. The records maintained by the Port Trust and my own inspection have shown that the shore crew have in fact not more than a couple of hours of work to do on an average per shift and that the rate of payment which they are receiving at present viz., for 8 hours normal work, 2 hours overtime and 2 hours recess, is more than adequate. It has been argued with some force by Shri Maitra that these workmen did not get regular recess hours. No doubt it is not possible to allow these workmen to have recess in each shift during fixed hours because the berthing and unberthing of heavy vessels at Butcher Island depend upon the high tide. Shri Maitra at the hearing has referred at length to the observations contained in the Report of Shri P. C. Chaudhari, I.C.S., O.S.D. relating to the desirability of fixed hours of recess and of the hours of recess being during the middle of the shift. That undoubtedly is so. But in fact that shore crew at Butcher Island have so little work to do in a shift that they can always have sufficient time to take their meals whenever they want. It is only very rarely that they cannot get 2 hours off to take their meals whenever they require. As it is it was established at the inspection that the recess hours for each day are specified on the previous day and those recess hours are rigidly adhered to. I do not think that the workmen at Butcher Island have any grievance at all on the score that they are not getting regular recess hours.

10. Shri Maitra next urged that the Bombay Port Trust had by various Resolutions agreed that the conditions of work of the shore crew at the various docks of the Bombay Port Trust viz., Alexandra Docks, Prince's and Victoria Docks and Butcher Island should be the same and he has argued that because the wage scale for the shore lascars is the same viz. Rs. 30—1—40—EB—1—50 at the Butcher Island and the other three docks of the Port Trust, the shore crew at Butcher Island were entitled to the same system of working as for the shore crew of the Alexandra Docks. It appears that the Trustees by Resolution No. 604 of

16th August 1961 changed the working hours prevailing at the Alexandra Docks which previously were the same as in Butcher Island as follows:—

8 hours normal work, 3 hours overtime and one hour recess:—

Shri Nariman, the learned Legal Adviser of the Bombay Port Trust, has explained why there was a change made in the working hours of the shore crew at the Alexandra Docks. As stated earlier, the Butcher Island is a tidal dock and therefore the hours of work are variable depending on the high tide. But at the Alexandra Docks because of the lock gates, the depth of the water in the docks can be regulated and the required depth of water can be had at any time. In other words, the Alexandra Docks not being a tidal dock can be worked all the 24 hours. subject to this qualification that during monsoon to protect the lock gates the storm gates have to be closed, and during this period the berthing of the vessels is not possible. In other words, during the monsoon at high tide in Alexandra Docks the ships have to be kept waiting. For the rest of the year the dock is utilised as a 24 hour dock and, therefore, the recess hours at Alexandra Docks are not variable. At Butcher Island the big tankers can only be taken over at high tide and therefore there is variable recess. It appears that the Bombay Port Trust themselves desired a change in the work system at Alexandra Docks for justifiable reasons and that is why it did not oppose the union's demand when the change made by Resolution No. 604 of 16th August 1961 was effected. In my opinion, there is complete justification in this contention of the Port Trust. Besides, there can be no comparison of the number of ships berthed and unberthed at Alexandra Docks with those at Butcher Island. As against about 830 berthing and unberthing during the period April 1961 to March 1962 at Alexandra Docks (the total number of operations in which amounted to 4070, and the total number of vessels handled per day was about 11.15) the average number of operations in Butcher Island, as I have shown earlier, is only about one per shift. Besides, the actual number of hours done per day in the aggregate in the two shifts at Alexandra Docks comes to 13 hours i.e., $6\frac{1}{2}$ hours during each shift whilst at Butcher Island the average number of hours actually worked per shift comes to only about one. There is also not the least doubt that the nature of the working conditions at the two places are completely different.

11. I do not want to express any definite opinion on the merits of the working conditions at Alexandra Docks as there is another industrial dispute pending before me where a similar demand has been made by the shore crew of the Prince's and Victoria Docks. But I am more than satisfied that there could be no comparison between the conditions of work obtaining in Alexandra Docks and the conditions of work at Butcher Island and that the demand that the Butcher Island workmen should get the same hours of work as at Alexandra Docks appears to me to be on merits thoroughly unjustified. In fact, in the written statement of claim of the union in this dispute it has claimed for the Butcher Island shore crew 8 hours normal work and 4 hours fixed overtime which in fact is a claim for better service conditions than obtain at Alexandra Docks. This shows that the union is not serious in its contention that the shore crew in all the docks are entitled to the same system of working. It is only as an alternative if its higher demand is felt to be unjustified that the union claims that the shore crew at Butcher Islands should be granted 8 hours work, 3 hours overtime and one hour recess, as at Alexandra Docks.

12. I should before disposing of this reference like to deal with a point raised by Shri Maitra that the shore crew at Butcher Island are required to do a lot of miscellaneous work when they are not employed in the berthing and unberthing of vessels, and this has been referred to at some length in the statement of claim of the union. The union's case is that the shore crew at Butcher Island are made to do a lot of miscellaneous work like preparing coir springs and fenders, splicing of ropes and check wires, painting of draft marks, maintenance of coir fenders, wires etc. It was stated by the Bombay Port Trust, and admitted at the time of inspection, that no check wires are used at Butcher Island and that the fenders are mostly rubber fenders. The long coir fenders which are now used in replacement of the rubber ones are made in the B.P.T. Workshops. The draft marks are painted by the employees of the General Works Marine Oil Terminal and not by the shore crew and it is the Bombay Port Trust's case that even now the shore crew refuse to assist the workshop men in fixing or removing the fenders which admittedly formed part of their work. The only other work which the shore crew are called upon to do is to prepare coir springs for Pir Pau and round fenders for Butcher Island. It was revealed that some of these were made in 1958 and since then there has been no need to make any more with the result that the shore crew have done no miscellaneous work at all since 1958. I ascertained at the inspection that a coir spring if required will take four days to a

week to prepare if the shore crew of worked at it for about 2 hours a day. I was shown certain chains which were designed but it is admitted that they were never used at Butcher Island. With regard to the coir fenders now in use, it was admitted that they were prepared two years ago and they have not been prepared since then and that the coir springs for use at Pir Pau were made in 1958. I am, therefore, more than satisfied that the miscellaneous work that the shore crew are required to do at Butcher Island is negligible and occupies very little, if any, of the spare time that the shore crew enjoy. In fact, the impression left on my mind was that the shore crew at Butcher Island have much more leisure time during each shift during which they do no work at all, than the hours they actually work.

13. I am more than satisfied that the existing system of work at Butcher Island i.e., 8 hours normal work, 2 hours overtime and two hours variable recess does not keep the workmen occupied even for more than a couple of hours a day and that the demand for more overtime work and subsequently more pay is completely unjustified.

14. I, therefore, award that the existing system of work at Butcher Island needs no modification.

No order as to costs.

(Sd.) SALIM M. MERCHANT, Presiding Officer,
Central Government Industrial Tribunal, Bombay.
[No. 28/6/62/LR.IV.]

ORDERS

New Delhi, the 12th October 1962

S.O. 3186.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the termination of employment of Shri H. N. Mehta who was employed in the Bhavanagar Branch of the Punjab National Bank Limited was justified and, if not, to what relief is he entitled?

[No. 51(35)/62-LR.IV.]

S.O. 3187.—Whereas an industrial dispute between the employers in relation to the Commissioners for the Port of Calcutta and their workmen was referred for adjudication to the Central Government Industrial Tribunal at Calcutta and its award was published in the Gazette of India, Part II, Section 3(ii), dated the 3rd January, 1959, with S.O. No. 36, dated the 22nd December, 1958;

And, whereas, in the opinion of the Central Government difficulties have arisen as to the interpretation of the provisions of the said award relating to the questions specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 36A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said question for decision to the Industrial Tribunal at Calcutta constituted under section 7A of the said Act.

SCHEDULE

(i) Which specific categories of shore workers should be eligible for the grant of dust allowance in terms of the Award of the Central Government Industrial Tribunal at Calcutta in Reference No. 8 of 1958; and

(ii) Whether individual workers of the eligible categories will be entitled to the dust allowance only if they are physically present at the work spot or only when they are so present and are actually engaged in handling the dusty cargoes, viz., coal, cement, ores and sulphur.

[No. 28/47/62/LR.IV.]

CORRIGENDA

New Delhi, the 16th October 1962

S.O. 3188.—In pursuance of sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following corrections which have been made by the National Industrial Tribunal, Bombay, in its award dated, the 21st July, 1962, and published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), dated the 20th August, 1962, namely:—

In the said award,—

- (i) in paragraph 28, in the first line in the quotation, for the words "true that it cannot be enforced in a Court of Law because it is not a" the words "almost a universally accepted principle now that the profits are made" shall be substituted;
- (ii) in paragraph 44, in the 12th line from the bottom of page 1937 of the Gazette referred to above, for the word "those" the word "these" shall be substituted;
- (iii) in paragraph 45, in line 2 at page 1938 of the Gazette referred to above for the figure "1955" the figure "1956" shall be substituted;
- (iv) in paragraph 45, in line 7 at page 1938 of the Gazette referred to above, for the word "bankingn" the word "banking" shall be substituted;
- (v) in paragraph 87, in line 11 at page 1959 of the Gazette referred to above, for the word "There", the word "These" shall be substituted.
- (vi) in paragraph 90, in line 1, for the word "entirely" the word "entirety" shall be substituted;
- (vii) in paragraph 91, in line 10 at page 1960 of the Gazette referred to above, for the word "an" the word "and" shall be substituted;
- (viii) in paragraph 92, in line 1, the word "gross" shall be omitted;
- (ix) in paragraph 108, in line 7 at page 1966 of the Gazette referred to above, for the word "There", the word "These" shall be substituted.

[No. 56(13)/62-LR.IV.]

G. JAGANNATHAN, Under Secy.

New Delhi, the 10th October 1962

S.O. 3189.—The following draft of a scheme further to amend the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 10th November 1962.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Calcutta Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1962.

2. In clause 14 of the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957—

(1) after sub-clause (3), the following sub-clauses shall be inserted, namely:—

“(3-A) Where, in a case reported to him under sub-section (3), the Personnel Officer is of opinion that the act of indiscipline or misconduct

is so serious that the worker should not be allowed to work any longer, the Personnel Officer may, pending investigation of the matter, suspend the worker for a period not exceeding seven days and report immediately to the Deputy Chairman, who after preliminary investigation of the matter shall pass orders thereon whether the worker should, pending final orders, remain suspended or not provided that the total period of such suspension shall not exceed a period of three months.

- (3-B) Where the Deputy Chairman comes to the decision that the order of suspension of the worker pending investigation into the charge of indiscipline or misconduct, as the case may be, ought not to have been made, the worker shall be entitled to such payments from the Board in respect of the period of his suspension as the Administrative Body may certify that the worker would have received had he not been suspended."

[No. 529/23/62-Fac.]

New Delhi, the 11th October 1962

S.O. 3190.—The following draft of a scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1), of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 10th November, 1962.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1962.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1956, in clause 31, the existing "Explanation" shall be re-numbered as "Explanation I" and after the Explanation I as so renumbered, the following "Explanation" shall be inserted, namely:—

"*Explanation II.*—For the purpose of this clause, the expression "month" shall not include the days of weekly off provided that there is no payment for the day of the weekly off unless the worker in the reserve pool works on such a day and becomes entitled to payment."

[No. 525/2/61-Fac.]

BALWANT SINGH, Under Secy.

New Delhi, the 15th October 1962

S.O. 3191.—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of the Gwalior Sugar Co. Ltd., Babra, Madhya Pradesh (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 31st July, 1956 from the operation of all the provisions of the said Scheme,

subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

SCHEDULE

Final conditions of exemption

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer', shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time, direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishment as the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass book, in such form as may be approved, to each subscriber who, but for the exemption, would have been a member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may, from time to time, specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall, within 3 months of the date of publication of this notification, transfer to the Board of Trustees the accumulations standing to the credit of the employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees, who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioners concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the Employees' Provident Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishment's Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishments shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12·5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2·5 naye paise or more shall be counted as 5 naye paise and any amount less than 2·5 naye paise shall be ignored.

13. On all repayable loans granted by establishments interest shall be charged at the rate of 4½ per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(21)62-PF.II.]

SHAH AZIZ AHMAD, Dy. Secy.

New Delhi, the 16th October, 1962.

S.O. 3192.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3, read with section 4 and sub-section (2) of section 5, of the Minimum Wages Act, 1948, (11 of 1948), the Central Government, after publishing in pursuance of the provisions of clause (b) of sub-section (1) of the said section 5, its proposals by notification No. 2629, dated the 27th October, 1961, at page 2872, in Part II, Section III, sub-section (ii) of the Gazette of India of the 4th November, 1961, and after considering all representations received by it before the date specified the aforesaid notification, hereby fixes minimum rates of wages payable to the categories of employees specified in the Schedule annexed hereto and employed on the construction or maintenance or both, of roads or in building operations in all collieries other than those under the control of the National Coal Development Corporation Limited, Ranchi, the minimum rates of wages of whose employees have already been fixed under the said Act.

2. This Notification shall come into force on and from 31st October, 1962.

SCHEDULE

Categories of employees (1)	All inclusive minimum rates of wages per day (2)
IN COAL MINES.	
Unskilled	.. Rs. 2.66 nP.
Semi-skilled	.. Rs. 2.92 nP.
Skilled	.. Rs. 3.75 nP.
In Development Areas (i.e. areas where coal mines are in process of development but have not started working).	
Unskilled	.. Rs. 1.50 nP.
Semi-skilled	.. Rs. 2.25 nP.
Skilled	.. Rs. 3.00 nP.

NOTE.—(1) The all inclusive minimum rates of wages per day in the case of coal mines include the payment for the weekly day of rest and no separate payment would be necessary on this account.

NOTE.—(2) The above rates are applicable to labour engaged by contractors also.

[No. LWI(I)7(3)/60.]

K. D. HAJELA, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 17th October, 1962

S.O. 3193.—In exercise of the powers conferred by clause (1) of article 371 of the Constitution, the President hereby makes the following Order further to amend the Punjab Regional Committees Order 1957, namely:—

1. (1) This Order may be called the Punjab Regional Committees (Second Amendment) Order, 1962.

(2) It shall be deemed to have come into force on the 16th day of August, 1961.

2. In the First Schedule to the Punjab Regional Committees Order, 1947,—

(a) under the heading "Hindi Region", in entry 8, for the words "Rupar and Chandigarh Assembly Constituencies", the word, brackets and letters "Rupar, Morinda, (SC) and Chandigarh Assembly Constituencies" shall be substituted;

(b) under the heading "Punjabi Region", for entry 9, the following entry shall be substituted, namely:—

"9. Rupar, Morinda (SC) and Chandigarh* Assembly Constituencies in Ambala District."

[No. F. 40/3/62-SR(R).]

P. N. KAUL, Dy. Secy.

